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**R E P O R T S**  
**FROM**  
**C O M M I T T E E S:**  
**SIX VOLUMES.**

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—(6.)—

**ELECTIONS; ST. ALBAN'S, CANTERBURY, AND WALSALL;  
KINGSTON-UPON-HULL DOCKS;  
EXPIRED LAWS; MILITIA ESTIMATES;  
MILLS AND FACTORIES; LIBRARY;  
METROPOLIS IMPROVEMENTS;  
POST OFFICE COMMUNICATION WITH IRELAND;  
PRINTING; PRIVATE BUSINESS.**

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**Session**

**26 January—22 June 1841.**

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**VOL. IX.**

**1841.**

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6595



Br Doc 650

# REPORTS FROM COMMITTEES:

1841.

## SIX VOLUMES:—CONTENTS OF THE

### SIXTH VOLUME.

---

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

---

#### ELECTIONS: ST. ALBAN'S, CANTERBURY AND WALSALL:

219. MINUTES of PROCEEDINGS and EVIDENCE taken before the  
ST. ALBAN'S, CANTERBURY and WALSALL ELECTION COM-  
MITTEES - - - - - p. 1

#### KINGSTON-UPON-HULL DOCKS BILL:

83. MINUTES of EVIDENCE taken before the Committee on the  
KINGSTON-UPON-HULL DOCKS BILL (1840) - - - - 237

#### EXPIRED AND EXPIRING LAWS:

286. REPORT from the Committee upon EXPIRED and EXPIRING  
LAWS - - - - - 515

#### MILITIA ESTIMATES:

386. REPORT from the Select Committee appointed to prepare MILITIA  
ESTIMATES - - - - - 547

#### MILLS AND FACTORIES:

56. REPORT from the Select Committee on the Act for the Regulation of  
MILLS and FACTORIES; together with the PROCEEDINGS of the  
COMMITTEE - - - - - 557

#### LIBRARY:

422. REPORT from Standing Committee on the LIBRARY of The House 597

#### METROPOLIS IMPROVEMENTS:

398. REPORT from the Select Committee on METROPOLIS IMPROVEMENTS;  
together with the PROCEEDINGS of the COMMITTEE - - 601

VOL. IX.—Sess. 1841.

(continued.)

**POST OFFICE COMMUNICATION WITH IRELAND:**

399. **REPORT** from the Select Committee on **Post Office Communication**  
with *Ireland*; together with the **MINUTES** of **EVIDENCE**, and  
**APPENDIX**      -      -      -      -      -      -      -      -      -      609

**PRINTING:**

181. **REPORT** from the Select Committee on **PRINTING**      -      -      -      623

**PRIVATE BUSINESS:**

131. **FIRST REPORT** from the Select Committee on **PRIVATE BUSINESS**;  
together with the **MINUTES** of **EVIDENCE** and **PROCEEDINGS** of the  
**COMMITTEE**      -      -      -      -      -      -      -      -      -      629
-

**MINUTES OF PROCEEDINGS**

**AND**

**EVIDENCE**

**TAKEN BEFORE THE**

**ST. ALBAN'S, CANTERBURY, AND WALSALL**

**ELECTION COMMITTEES.**

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*Ordered, by The House of Commons, to be Printed,  
5 April 1841.*

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**ST. ALBAN'S.**

PROCEEDINGS OF THE COMMITTEE	-	-	-	-	-	p. iv
MINUTES OF EVIDENCE	-	-	-	-	-	p. 1

---

**CANTERBURY.**

PROCEEDINGS OF THE COMMITTEE	-	-	-	-	-	p. 90
MINUTES OF EVIDENCE	-	-	-	-	-	p. 91

---

**WALSALL.**

PROCEEDINGS OF THE COMMITTEE	-	-	-	-	-	p. 95
MINUTES OF EVIDENCE	-	-	-	-	-	p. 99

---

## ST. ALBAN'S ELECTION.

### LIST OF WITNESSES.

Mercurii, 24° die Martii, 1841.		Veneris, 26° die Martii, 1841.	
<i>Mr. John Horner Rumbold</i>	- p. 1	<i>Robert Adams</i>	- - - p. 24
<i>Mr. Thomas Ward Blagg</i>	- p. 3	<i>John Woodward</i>	- - - p. 24
<i>George Lay</i> - - -	- p. 5	<i>Thomas Osborne</i> - - -	- p. 28
<i>James Hilyard</i> - - -	- p. 6	<i>The Rev. Philip Vincent Coleman</i>	p. 33
<i>Robert Galer</i> - - -	- p. 7	<i>John Brooks</i> - - -	- p. 35
<i>John Brooks</i> - - -	- p. 7	Sabbati, 27° die Martii, 1841.	
<i>Jeremiah Dayton</i> - - -	- p. 8	<i>John Brooks</i> - - -	- p. 38
<i>Mr. George Taylor</i> - - -	- p. 10	<i>The Rev. James Brogden</i>	- p. 43
Jovis, 25° die Martii, 1841.		Lunæ, 29° die Martii, 1841.	
<i>Mr. George Taylor</i> - - -	- p. 11	<i>The Rev. James Brogden</i>	- p. 49
<i>Mr. John Pitt Richardson</i>	- p. 13	<i>Robert Adams</i> - - -	- p. 51
<i>Samuel Cherry</i> - - -	- p. 15	Martis, 30° die Martii, 1841.	
<i>Mr. Thomas Wood</i> - - -	- p. 16	<i>Robert Howie</i> - - -	- p. 64
<i>Joseph Richards</i> - - -	- p. 16	<i>John Stebbing</i> - - -	- p. 69
<i>Robert Howie</i> - - -	- p. 17	<i>Wm. Forbes Mackenzie, Esq. M.P.</i>	p. 86
<i>Mr. James Annesley Dorant</i>	- p. 18	Mercurii, 31° die Martii, 1841 -	
<i>Mr. Robert Galer</i> - - -	- p. 21	Jovis, 1° die Aprilis, 1841 -	
<i>Robert Adams</i> - - -	- p. 23		

# PROCEEDINGS OF THE ST. ALBAN'S ELECTION COMMITTEE.

NAMES of the MEMBERS of the Select Committee appointed to try and determine the Matter of the Petition of Thomas Foreman Gape and John Samuel Story, complaining of an undue Election and Return for the Borough of St. Alban's.

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| 1. WILLIAM STRATFORD DUGDALE, Esq. | 4. ALEXANDER PRINGLE, Esq.        |
| 2. WILLIAM HUTT, Esq.              | 5. PAULET ST. JOHN MILD MAY, Esq. |
| 3. THOMAS WILLIAM BRAMSTON, Esq.   | 6. HON. JOHN EDMUND ELLIOT.       |

CHAIRMAN, EDWARD AYSHFORD SANFORD.

*Martis, 23<sup>o</sup> die Martii, 1841.*

*Ordered*, That the Committee do meet To-morrow, at Eleven.

*Mercurii, 24<sup>o</sup> die Martii, 1841.*

All present.

Petition read.

Agents: Lyon, Barnes & Ellis, Mr. Henry Edwards Brown.

Counsel: Mr. Hildyard and The Hon. Mr. Talbot.

For the sitting Member:—

Agent: Mr. Coppock.

Counsel: Mr. Austin and Mr. Cockburn.

Room cleared.

The Committee deliberated on the rules they should lay down as to the manner in which they would require the case to be conducted.

*Resolved*, That the Committee expect that with respect to cases of bribery which it is intended to bring home to the sitting Member or his agents, the Counsel will now state the names of the electors bribed, and those of the persons who actually gave the bribes. In the same manner the Committee would expect that a statement should now be made of any facts directly inculcating the sitting Member or his agents, under the head of Treating. The Committee, however, reserve to themselves the power, on the special application of Counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, and with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

Parties called in, and informed of the resolutions of the Committee.

*Ordered*, That all witnesses do withdraw, and that no person shall be examined who shall have been present during any of the proceedings, excepting the Agents, Mr. Lyon, Mr. Brown, and Mr. Coppock.

Mr. *Hildyard* was heard to open the case on behalf of the Petitioners.

Mr. *Cockburn* objected to Mr. *Hildyard*'s reading in his opening speech a note sent to Dr. Webster, to the admissibility of which he (Mr. *Cockburn*) would have to object when the proper time arrived.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

Motion made, "That the note be now read."

Question put.—The Committee divided:

Ayes, 2.  
Mr. Bramston.  
Mr. Dugdale.

Noes, 5.  
Mr. Sanford.  
Mr. Pringle.  
Mr. Elliot.  
Mr. Mildmay.  
Mr. Hutt.

So it passed in the negative.

Mr.

Mr. *Hildyard* further heard to open the case on the part of the Petitioners.

Mr. *John Horner Rumbold* (Mayor of St. Alban's), sworn, and examined by Mr. *Talbot*.

—— produced poll-books.

Cross-examined by Mr. *Austin*.

Mr. *Thomas Ward Blagg* sworn, and examined by Mr. *Talbot*.

Cross-examined by Mr. *Austin*.

Mr. *Talbot* objected to Mr. *Austin* cross-examining the witness as to the general matters of the election at the present time.

Mr. *Austin* was heard in answer to the objection, and stated that he intended to cross-examine the witness for the purpose of recrimination, and not in respect to the matters which will be brought forward in the course of the case of the Petitioners.

Mr. *Talbot* heard in reply.

*Resolved*, That Mr. *Austin* do confine himself in his cross-examination to the subject of the poll-books, with the understanding that Mr. *Blagg* will be again called by the Petitioners.

Mr. *Blagg* again called, and re-examined by Mr. *Talbot*.

Mr. *George Lay* sworn, and examined by Mr. *Hildyard*.

Mr. *Robert Galer* sworn, and examined by Mr. *Hildyard*.

Mr. *John Brooks* sworn, and examined by Mr. *Hildyard*.

Mr. *Jeremiah Dayton* sworn, and examined by Mr. *Hildyard*.

Cross-examined by Mr. *Austin*.

Mr. *George Taylor* sworn, and examined by Mr. *Hildyard*.

[Adjourned till To-morrow, at Eleven o'clock.]

*Jovis, 25<sup>o</sup> die Martii, 1841.*

All present.

Mr. *George Taylor* again called, sworn, and cross-examined by Mr. *Austin*.

Re-examined by Mr. *Hildyard*.

Mr. *Austin* objected to Mr. *Hildyard*'s asking the witness as to the subject of the application made to him by Mr. *Edwards* in the presence of Dr. *Webster*, before Dr. *Webster* was proved to be an agent.

Mr. *Hildyard* heard against the objection.

Mr. *Austin* heard in reply.

Room cleared.

*Resolved*, That the question objected to shall not be put.

Mr. *John Pitt Richardson* sworn, and examined by Mr. *Talbot*.

Cross-examined by Mr. *Austin*.

Mr. *Samuel Cherry* sworn, and examined by Mr. *Hildyard*.

Cross-examined by Mr. *Austin*.

Mr. *Thomas Wood* sworn, and examined by Mr. *Talbot*.

Cross-examined by Mr. *Cockburn*.

Mr. *Joseph Richards* sworn, and examined by Mr. *Hildyard*.

Cross-examined by Mr. *Leahy*.

Mr. *Robert Howie* sworn, and examined by Mr. *Hildyard*.

Cross-examined by Mr. *Leahy*.

Mr. *James Annesley Dorant* sworn, and examined by Mr. *Talbot*.

Mr. *Leahy* objected to Mr. *Talbot*'s asking a question of the witness as to what Dr. *Webster* stated.

Mr. *Talbot* heard in answer to the objection.

Mr. *Leahy* heard in reply.

The Committee decided the question might be put.

Mr. *James A. Dorant* further examined by Mr. *Talbot*.

Cross-examined by Mr. *Leahy*.

Mr. *Robert Galer* sworn, and examined by Mr. *Hildyard*.

On Mr. *Hildyard*'s asking the witness whether he put down the liquor supplied by him to an account, in consequence of directions given by Dr. *Webster*,

Mr. *Leahy* objected to the question.

The Committee determined the question might be put.



Mr. *Robert Galer* further examined by Mr. *Hildyard*.  
 On Mr. *Hildyard's* asking, "To what account did you put it down?"  
 Mr. *Leahy* objected to the question.  
 Mr. *Hildyard* heard in answer to the objection.  
 Mr. *Leahy* heard in reply.  
 Room cleared.  
 The Committee resolved that the question might be put.  
 Parties called in.  
 Mr. *Robert Galer* again called, and further examined by Mr. *Austin*.  
 Cross-examined by Mr. *Leahy*.  
 Mr. *Robert Adams* called.  
 Mr. *Austin* objected to Mr. *Hildyard* adducing in evidence any act of bribery committed by Dr. Webster.  
 Mr. *Hildyard* was heard in answer to the objection.  
 Mr. *Austin* was heard in reply.

[Adjourned till To-morrow, at Eleven.

*Veneris, 26<sup>o</sup> die Martii, 1841.*

All present.

Mr. *Robert Adams* sworn.  
 On Mr. *Hildyard's* asking the witness the following question, "Did you on the day of nomination see Dr. Webster, and did he give you any money to vote for Lord Lis-towel?"

Mr. *Austin* stated, that to this question the objection he raised yesterday applied.

Room cleared.

Motion made, "That this question be now put."

Question put.—The Committee divided :

Ayes, 2.  
 Mr. Pringle.  
 Mr. Bramston.

Noes, 5.  
 Mr. Sanford.  
 Mr. Hutt.  
 Mr. Mildmay.  
 Mr. Elliot.  
 Mr. Dugdale.

So it passed in the negative.

Parties called in, and informed of the resolution of the Committee.

Mr. *John Woodward* sworn, and examined by Mr. *Hildyard*.

On Mr. *Hildyard's* asking the witness "Did you say anything to Maylard as to the object which brought you to St. Albans?"

Mr. *Cockburn* objected to the question.

Mr. *Hildyard* heard against the objection.

The Committee decided that the question could not be put.

Mr. *Woodward* further examined.

On Mr. *Hildyard's* asking the witness, "Did you propose to Mr. Edwards to hire your band?"

Mr. *Cockburn* objected to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

The Committee decided the question might be put.

Mr. *Woodward* further examined.

On Mr. *Hildyard's* asking the witness, "Did he," (a person whose name was not given in evidence) "when he paid you, explain on what account?"

Mr. *Cockburn* objected to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

*Resolved*, That the question cannot be put.

Parties called in.

Mr. *John Woodward* further examined by Mr. *Hildyard*.

Mr. *Thomas Osborn* sworn, and examined by Mr. *Talbot*.

On Mr. *Talbot*'s asking the witness, "Have you not told Mr. *Blagg* that you were employed by Mr. *Edwards* to act as check-clerk at the last election?"

Mr. *Cockburn* objected to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

The Committee decided the question could not be put.

The Rev. *Philip Vincent Coleman* sworn, and examined by Mr. *Hildyard*.

On Mr. *Hildyard*'s asking the witness his opinion as to whose was the handwriting of the directions on certain letters,

Mr. *Austin* was heard to object to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Austin* heard in reply.

Room cleared.

The Committee decided that the question could not be put.

Parties again called in.

Mr. *Coleman* further examined.

On Mr. *Hildyard*'s proposing that a letter, signed and directed in the handwriting of Mr. *Edwards*, should be read,

Mr. *Austin* objected to the letter being read.

The Committee decided the letter might be read.

Mr. *John Brooks* sworn, and examined by Mr. *Hildyard*.

On Mr. *Hildyard*'s proposing to ask the witness the following questions, "Upon the voter refusing to take off his hat when the bribery oath was administered, did *Edwards* say anything, and what did he say?"

Mr. *Austin* objected to the questions.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Austin* heard in reply.

Room cleared.

Motion made, "That the question may be put."

Question put.—The Committee divided:

Ayes 2.  
Mr. *Bramston*.  
Mr. *Dugdale*.

Noes, 5.  
Mr. *Sanford*.  
Mr. *Hutt*.  
Mr. *Mildmay*.  
Mr. *Pringle*.  
Mr. *Elliot*.

So it passed in the negative.

Parties again called in.

Mr. *John Brooks* further examined by Mr. *Hildyard*.

[Adjourned till To-morrow, at Eleven.]

*Sabbati, 27<sup>o</sup> die Martii, 1841.*

All present.

Mr. *John Brooks* again called and sworn, and cross-examined by Mr. *Austin*.

Re-examined by Mr. *Hildyard*.

The Rev. *James Brogden* sworn, and examined by Mr. *Talbot*.

Mr. *Cockburn* objected to Mr. *Talbot*'s asking the witness, "What *Adams* stated" in the presence of Lord *Listowel*.

Mr. *Talbot* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

Resolved, That the question be not now put.

Parties called in, and informed of the resolution of the Committee.

Mr. *Brogden* again called in.

Mr. *Cockburn* objected to Mr. *Talbot*'s asking the question, "Was Lord *Listowel*'s name mentioned by Mr. *Adams*?"

Mr. *Talbot* heard against the objection.

The Committee decided the question could not be now put.

Mr. *Brogden* again called, and further examined by Mr. *Hildyard*.

Mr. *Cockburn* objected to Mr. *Hildyard*'s asking the witness "What he said to Lord Listowel?"

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

The Committee determined the question might be put.

Mr. *Brogden* again called, and further examined by Mr. *Hildyard*.

Mr. *Cockburn* objected to Mr. *Hildyard*'s asking the witness the question, "What did the Mayor say to Adams?"

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

*Resolved*, That the question may be put.

Parties again called in.

Mr. *Brogden* further examined by Mr. *Hildyard*.

Mr. *Cockburn* objected to the witness answering the question, "What did Adams state in reply to the question of the mayor—What is this?" and submitted, that from the part of the answer which had been given it appeared that what was said referred to past transactions, and was not explanatory of the immediate act of delivering the parcel.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

The Committee determined the witness should proceed with his answer.

Parties again called in.

Mr. *Brogden* again called, and further examined.

Mr. *Cockburn* objected to the witness being asked what Dr. Webster said in the hearing of Lord Listowel, in answer to Adams's statement.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

*Resolved*, That the question may be put.

[Adjourned till Monday next, at Eleven.]

*Lunæ, 29<sup>o</sup> die Martii, 1841.*

All present.

The Rev. *James Brogden* again called and sworn, and further examined by Mr. *Hildyard*.

Mr. *Robert Adams* again called and sworn, and examined by Mr. *Hildyard*.

On Mr. *Hildyard*'s asking the witness the question, "When Stebbings came out, did Stebbings do anything?" and on the witness answering, "He showed me what he had got."

Mr. *Austin* objected to the course of examination pursued by Mr. *Hildyard*.

Mr. *Hildyard* heard to contend for his right to pursue the investigation.

Mr. *Austin* heard in reply.

Room cleared.

Motion made, "That the agency of Dr. Webster has been sufficiently proved."

Question put.—The Committee divided :

Ayes, 3.  
Mr. Bramston.  
Mr. Pringle.  
Mr. Dugdale.

Noes, 4.  
Mr. Sanford.  
Mr. Hutt.  
Mr. Elliot.  
Mr. Mildmay.

So it passed in the negative.

*Resolved*, That the course of examination be proceeded with on the Counsel for the Petitioners stating that it is his intention to prove the acts of agency by the act of bribery.

Parties again called in.

Mr.

Mr. *Hildyard*, in answer to a question from the Chairman, stated that in consultation with Mr. Talbot this morning, they came to the opinion that by the further progress of this investigation the evidence of Webster's agency would be strengthened.

Mr. *Austin* heard to object that this answer was not such as would entitle Mr. *Hildyard* to proceed.

Mr. *Hildyard* heard against the objection.

Mr. *Austin* heard in reply.

The Committee directed Mr. *Hildyard* to proceed with his examination.

Mr. *Robert Adams* again called, and further examined by Mr. *Hildyard*.

On the question being asked, " Did Dr. Webster give you anything ? "

Mr. *Austin* objected to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Austin* heard in reply.

Room cleared.

Resolved, That the question may be put.

Parties again called in.

Mr. *Robert Adams* again called, and further examined by Mr. *Hildyard*.

On Mr. *Hildyard's* asking the witness " What did Dr. Webster state when he brought you into the room ? "

Mr. *Austin* objected to the question.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Austin* heard in reply.

Room cleared.

Resolved, That the statement of Mr. *Hildyard* was a sufficient compliance with the resolution of the Committee, and that therefore the question may be put.

Parties called in.

Mr. *Robert Adams* again called, and further examined by Mr. *Hildyard*.

Cross-examined by Mr. *Austin*.

[Adjourned till To-morrow, at Eleven.

*Martis, 30<sup>o</sup> die Martii, 1841.*

All present.

Mr. *Robert Howie* sworn, and examined by Mr. *Hildyard*.

Mr. *Cockburn* objected to Mr. *Hildyard's* asking the witness, " What the numbers of the notes which Adams showed him were," without the notes being produced.

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

The Committee decided the question could not be put.

Mr. *Howie* further examined by Mr. *Hildyard*.

Cross-examined by Mr. *Cockburn*.

Mr. *John Stebbing* sworn, and examined by Mr. *Talbot*.

Mr. *Cockburn* objected to the witness being asked what Edwards said at the time he showed him the note in the presence of Dr. Webster.

Mr. *Talbot* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

Room cleared.

Motion made, " That what Mr. Edwards said on producing the note, be received."

Question put.—The Committee divided :

Ayes, 3.  
Mr. Dugdale.  
Mr. Bramston.  
Mr. Pringle.

Noes, 4.  
Mr. Sanford,  
Mr. Mildmay.  
Mr. Hutt.  
Mr. Elliot.

So it passed in the negative.

Parties again called in.

Mr. *John Stebbing* again called, and further examined by Mr. *Talbot*.

Cross-examined by Mr. *Austin*.

Mr. *William Forbes Mackenzie, M. P.*, examined by Mr. *Hildyard*.

Mr. *Cockburn* objected to Mr. *Hildyard*'s asking the witness, "What was it that Lord Grimston said to Dr. Webster?"

Mr. *Hildyard* heard in answer to the objection.

Mr. *Cockburn* heard in reply.

[Adjourned till To-morrow, at Eleven.

*Mercurii, 31<sup>o</sup> die Martii, 1841.*

All present.

Room cleared.

Motion made, "That the evidence of what passed between Lord Grimston and Dr. Webster may be received."

Question put.—The Committee divided :

Ayes, 5.	Noes, 2.
Mr. Sanford.	Mr. Mildmay.
Mr. Dugdale.	Mr. Elliot.
Mr. Bramston.	
Mr. Hutt.	
Mr. Pringle.	

*Resolved*, That the evidence of what passed between Lord Grimston and Dr. Webster may be received, but that such evidence should be given by Lord Grimston.

Parties called in, and informed of the decision of the Committee.

Mr. *Hildyard* stated, that since the meeting of the Committee yesterday, he and Mr. Talbot on the part of the Petitioners had come to the resolution to abandon the further prosecution of the Petition.

Room cleared.

[Adjourned till To-morrow, at One o'clock.

*Jovis, 1<sup>o</sup> die Aprilis, 1841.*

All present.

Room cleared.

*Resolved*,

That William Earl of Listowel is duly elected a burgess to serve in this present Parliament for the Borough of St. Alban's.

That the Petition of Thomas Foreman Gape and John Samuel Story does not appear to the Committee to be frivolous or vexatious.

That the opposition to the said Petition does not appear to the Committee to be frivolous or vexatious.

Motion made, "That in consequence of the Petitioners having declined to proceed further with the case while the Committee were in the course of investigating grave charges of bribery alleged to have been practised at the late election, the Chairman be instructed to ask leave to lay the Minutes of Proceedings, and the Evidence taken during the investigation, on the Table of the House."

Question put.—The Committee divided :

Ayes, 2.	Noes, 5.
Mr. Sanford.	Mr. Bramston.
Mr. Pringle.	Mr. Dugdale.
	Mr. Hutt.
	Mr. Mildmay.
	Mr. Elliot.

So it passed in the negative.

*Ordered*, "That the Resolutions agreed to by the Committee be reported to The House."

# MINUTES OF EVIDENCE.

*Mercurii, 24<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

THE Names of the Committee were called over ; all the Members present.

The petition of certain persons, electors of the borough of St. Alban's, in the County of Hertford, was by the consent of the parties taken as read.

Mr. *Hildyard* and Mr. *Talbot* appeared as Counsel in support of the petition.

Agents, Messrs. Lyon, Barnes & Ellis, and Mr. Henry Edwards Brown.

Counsel for the sitting Member, Mr. Austin and Mr. Cockburn.

Agent, Mr. Coppock.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed by the Chairman, that he had been instructed by the Committee to state that they were desirous, with respect to the question of costs, that the attention of Counsel should be directed more particularly to those clauses in the Act of the 2d & 3d of Victoria, upon that subject, and to state that the Committee would think it right to pay a strict regard to those clauses in any questions which might be brought before them ; also that the Counsel, in making his opening statement, should be required to state those allegations in the petition, to which he meant to direct the attention of the Committee, and upon which he meant to rely ; and that, after having made that statement, he would not be allowed to open any fresh matter upon any other allegations ; and also, that the Committee expect that, with respect to the cases of bribery which it is intended to bring home to the sitting Member or his agents, the Counsel will now state the names of the electors bribed, and the names of the persons who actually gave the bribe. In the same manner the Committee would expect that a statement should now be made of any facts directly inculcating the sitting Member, or his agent, under the head of treating. The Committee, however, reserve to themselves the power, on the special application of Counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, and with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

Upon the application of Mr. *Talbot*, all the witnesses on both sides, with the exception of the agents, whose names had been handed in, were directed to leave the room, or their evidence would not be received.

Mr. *Hildyard* was heard to open the case on behalf of the petitioners.

Mr. *John Horner Rumbold* was called in ; and having been sworn, was Examined by Mr. *Talbot*, as follows :

1. I BELIEVE you have the honour to be mayor of St. Alban's?—I have.
2. Have you the poll-books taken at the last election?—These are them (*producing two books.*)
3. Have the goodness to hand them in.—(*The witness handed them in.*)

Cross-examined by Mr. *Austin*.

4. Let me look at them.—(*They were handed to Mr. Austin.*)
5. These are the registers?—Those are the books prepared by the town-clerk, and they were used by the poll-clerks at the election, who were sworn in by me for that purpose.

Mr.  
*J. H. Rumbold.*

24 March 1841.

Mr.  
J. H. Rumbold.

24 March 1841.

6. Do you mean that these are the poll-books?—Yes; the town-clerk, as the official officer, has always prepared them; I do not prepare them. These are the books produced at the commencement of the poll, and given to the poll-clerks to use in my presence, and given up to me at the close of the poll.

7. Were there any other poll-books than these things?—No other.

8. You say that they were prepared by the town-clerk; is that so?—Yes; the town-clerk is the officer of the borough I look to, to prepare the requisite documents.

9. You look to him to produce the documents, and he prepared these books?—Those were the books given to the poll-clerks at the moment I went on to the hustings to take the poll.

10. You did not see them till the moment they were given to the poll-clerks?—No.

11. When did you see them next?—When the poll was over they were given to me, and the two poll-clerks sat down and cast them up, and I checked them and signed them, and then I took them to my own house.

12. After you had taken them to your house and signed the return, what did you do with them?—The town-clerk took them from me, and said he should take them home and compare them with his check-books the same evening, and that it was immaterial whether the mayor or town-clerk held them.

13. Did he keep them then, or you?—He brought them to me on Friday.

14. What day was the poll?—The poll closed on the Tuesday, and Tuesday evening he took them home.

15. And Wednesday and Thursday he had them in his possession?—Yes, and brought them to me on the Friday, and said, "As you took them from the hustings, you may as well have them now."

16. Have you had them ever since?—Yes.

17. Has anybody had access to them?—Mr. Coppock came to look at them at my house.

18. Any one else?—No.

19. Then, as I understand you distinctly, there are no other books in which the poll was taken but these books?—Nothing in the shape of an official poll-book but those.

20. And those were prepared by the town-clerk; you are not responsible for them?—No, I look to him for preparing them, he being the responsible officer.

21. He is responsible for the form in which they are now prepared?—Yes, I consider him so.

22. You had nothing to do with them, except that you took them on Tuesday night and received them on Friday?—Yes.

23. What time did you receive them on the Friday?—In the afternoon.

24. What do you call the afternoon at St. Alban's?—Four or five o'clock.

25. What time did you take them away on the Tuesday?—Tuesday evening at dusk.

26. Is the town-clerk here?—Yes, he is; I have seen him.

27. You say you got them from the town-clerk on the Friday?—Yes.

28. Had you examined them before you gave them to the town-clerk?—The poll-clerks cast them up, and I cast them up after them, and the final total is in my own handwriting, showing the majority.

29. Have you looked them over since they were delivered to you by the town-clerk?—Yes, I have.

30. You have no doubt that those are the books delivered to the poll-clerks?—No.

31. And you have no other?—No.

Re-examined by Mr. Talbot.

32. You proceeded to the hustings on Tuesday?—Yes.

33. Were you there when the poll opened?—Yes.

34. Was there any objection taken by any of the parties to these poll-books?—None whatever.

35. Have you reason to think that the votes were recorded as they were given?—I have no doubt of it.

36. Did you see from time to time the proceedings of the poll-clerks?—I was on an elevated platform, and I could see the whole of it.

37. There

Mr.  
J. H. Rumbold.  
24 March 1841.

37. There is one poll-booth?—Yes, with two divisions.

38. You have no doubt that the books are in the same condition as when you first received them?—I am confident that they are in the same condition as when I received them.

39. You cast up every page?—I cast every page in both books, and the totals at the last are in my handwriting.

40. That shows a total for Lord Listowel?—

Mr. *Austin* objected to the numbers being stated from the poll-books.

They were approved of by Lord Listowel's agent, Mr. Spence.

41. Mr. *Austin*.] You mean the numbers?—Yes.

The Witness withdrew.

Mr. *Talbot* proposed to put in the poll-books.

Mr. *Austin* objected to the same being given in evidence, and stated that the town-clerk ought to be called.

Mr. *Talbot* stated he was ready to call Mr. Blagg, the town-clerk.

Mr. *Thomas Ward Blagg* was called in; and having been sworn, was Examined by Mr. *Talbot*, as follows: Mr. T. W. Blagg.

42. I BELIEVE you are the town-clerk of St. Alban's?—Yes.

43. And we have learnt from the mayor that you considered it part of your official duty to prepare the books for the poll?—It was.

44. And you did accordingly prepare these books?—Yes, I did.

45. For the use of the poll-clerks?—Yes.

46. Did you observe any different course from what had hitherto been pursued?—It is precisely the same plan pursued since the making of the registers in 1832; it has been always so, at the request of all parties; the books have been always printed, and a duplicate furnished to each party as a check-book.

47. It has been stated that these books were in your custody for two days?—Yes, I believe they were.

48. Are they in the same state as when you received them from the mayor?—I cannot say.

49. Did you return them in the same state as you received them?—Yes, I returned them in the same state as I received them.

50. *Committee*.] From whom did you receive instructions to prepare them?—I do not know that I received orders from any one; it is my duty to do it.

51. Did you say you had received instructions from the parties upon this occasion, or upon former occasions?—I do not know that I received any instructions on this last occasion, but the parties have been consulted on other occasions.

52. On how many occasions?—Two or three.

53. But they were not consulted upon the last occasion?—No.

Cross-examined by Mr. *Austin*.

54. I observe that these are nothing but the old lists of voters for February 1841?—No, the book was printed from the original register in my possession; it is not a copy of the list.

55. I see a word struck out; this is headed "List of Voters"?—That word is struck out.

56. Is not that a copy of the list delivered to the revising barrister?—No, some are struck out.

57. This is a printed copy of the register?—Yes.

58. With this part struck out in pencil?—Yes.

59. In the first number you have Lord Listowel's name on the left-hand side?—I do not recollect.

60. And Mr. Cabbell's name on the right?—It is generally put where there is most blank; yes, it is so.

61. In the one I hold in my hand, you have Mr. Cabbell's name on the left, and Lord Listowel on the right?—Yes, it is so.

62. I observe some names are written in that page 4, No. 297, which follows 241: after John Francis Hulks you have William Hale?—That is a mistake in the printing, and written in by the poll-clerk; it is in his hand-writing.



Mr. T. W. Blagg.

24 March 1841.

63. The state of the book will show you these cannot be two reprints from the register?—Yes, they are.

64. This book is not in the state in which it came from the binder; these two leaves have been cut out of some other book and sewn in?—The printer had the original list to print from.

65. Be so good as to examine them, and tell me?—It seems all right.

66. Are not those leaves taken out of some other book?—The printer may have done it; it follows alphabetically.

67. Have you not got the letter F. there?—Yes.

68. Have you got any letter after F. in that number?—Yes, G., H. and J.

69. All the F.'s ought to be in that number?—The polling-booths are divided into two; the voters commencing with A. and ending with J. in No. 1, and the other voters from K. to the end of the alphabet in the other booth.

70. Nevertheless, just turn to No. 148?—Yes, I have it.

71. Do you find William Wickham Fairclough?—No, he polled in the wrong booth, he is in the other book; there was an objection made at the time, and I think he was rejected; he went to the wrong booth, certainly.

72. Has this been the way in which you have always kept your books?—Yes, since 1832, at the request of all the parties; each party had a copy of the book, which enabled him to keep a check.

73. You have been present at all the elections at St. Alban's?—Yes, since 1832.

74. You were present at the last election?—I was.

75. Were you active in Mr. Cabbell's interest?—I believe I was.

76. Have you any doubt of it?—None whatever.

77. Did you see Mr. Cabbell when he came to the town?—

Mr. Talbot objected to the question.

The question was waived.

78. Mr. Austin.] Did you see any of the voters upon the occasion of the last election?—

Mr. Talbot objected to the question.

The Witness was directed to withdraw.

Mr. Talbot was heard in support of his objection, and referred to the Worcester Case in Lord Glenbervie's Reports, and also the Roxburghshire, Ipswich and Limerick Cases, in which witnesses, called to prove necessary documents, had not been allowed to be cross-examined at that period, upon the general merits of the case.

Mr. Austin stated, in order that Mr. Talbot might be aware of the fact, that he proposed to cross-examine this witness, for the purposes of recrimination, and to prove the corruption that existed on the other side.

Mr. Talbot declined further to address the Committee, on the suggestion of Mr. Austin.

Mr. Austin proceeded to answer the objection, and referred to Rogers on Elections, in which the various cases upon this subject are collected together, and contended that if he had not an opportunity of cross-examining the witness now, he should not have an opportunity of doing it at all, because when the case of the petitioners was closed, and he had to prove his case, he should be obliged to call Mr. Blagg as his own witness: that the witness was a necessary witness to prove the poll-books, and having been sworn and examined in chief, he (Mr. Austin) was at liberty to examine him upon any matter relevant to the inquiry before the Committee, who were sworn to inquire into and try the merits of the last election at St. Alban's.

Mr. Talbot was heard in reply, and stated that Mr. Austin should have an opportunity of cross-examining Mr. Blagg without being put in a situation of making him his own witness; that all he (Mr. Talbot) wanted was that that cross-examination should be at a proper time, and that the case of the petitioners should not now be broken in upon, the only consequence of which would be to embarrass the petitioners, and throw difficulties in the way of the Committee arriving at a just conclusion.

The

The *Chairman* stated that the Committee were of opinion that Mr. Austin should confine himself in his cross-examination to the subject of the poll-books, upon the understanding that Mr. Blagg should be again called by the petitioners.

Mr. T. W. Blagg.

24 March 1841.

Mr. Thomas Ward Blagg was again called in ; and further Examined by Mr. Talbot, as follows :

79. You were asked something about the names of the candidates in these books : I observe in each book, under the numbers, there are the names of Mr. Cabbell and Lord Listowel ?—Yes.

80. Is that your writing ?—No ; it is the poll-clerk's, but it was done in my presence.

81. They were so written and handed to the poll-clerks ?—Yes.

82. I observe a line ruled down ?—That was done by the printer, I believe.

83. Look and see : if you do not know, you will not tell me ?—I believe it was done by the printer.

84. It seems to form a convenient line for the first row of figures ?—Yes.

85. *Committee.*] It is not done in printing ink ?—No, it was ruled in ink afterwards, probably.

86. Mr. Talbot.] Have you any doubt that that is a copy of the register ?—No, none whatever.

87. That is the way it has been done since the Reform Bill ?—Yes.

88. The sooner it is changed the better ?—It shall be changed.

Mr. Austin stated, as this was not a case of scrutiny, he would not trouble the Committee with any question upon the poll-books.

89. *Committee.*] You say that copies of these books were in the hands of the candidates ?—Yes ; they were copies of this book, by the same printer.

90. Were any objections made to the form of the poll-book ?—No, it was adopted for their convenience.

Mr. Austin stated that he did not wish Mr. Blagg to remain in town, the petitioners undertaking to produce him at the proper time.

[The Witness withdrew.

George Lay was called in ; and having been sworn, was Examined by Mr. Hildyard, as follows :

George Lay.

91. YOU are a postboy, I believe ?—Yes.

92. Who were you driving for in February last ?—Mr. Bryant.

93. Where does he live ?—At Barnet.

94. Are you still in his service ?—Yes.

95. Do you remember Thursday, the 4th of February last ?—Yes.

96. Did you on that day, together with another boy, come with a job to London ?—Yes.

97. What is the name of the other boy ?—James Hilyard.

98. How many horses had you ?—Four horses.

99. Who did you take in your chaise to London ?—Mr. Webster and Mr. Edwards.

100. Where does Mr. Webster live ?—At St. Alban's.

101. What is he ?—A doctor.

102. Of St. Alban's ?—Yes.

103. Did you know him at that time ?—I knew Mr. Webster ; I did not know the other one.

104. Have you seen the gentleman who came with Mr. Webster since you came here to town ?—Yes.

105. Another gentleman, whose name you did not know then ?—No, I did not.

106. Did you recognize the person you have seen, as being the same person that came with Mr. Webster ?—Yes.

107. Did any one point out that person to you ?—No, they did not.

108. How did you ascertain what the name of that person was ?—Because they mentioned it when we got back home with the chaise.

219.

B 3

109. How

*George Lay.*

24 March 1841.

109. How did those two gentlemen come to Barnet?—With a chaise-and-four.
110. From where?—From St. Alban's.
111. Whose chaise was it, and whose horses?—Mr. Hayward's.
112. He is a postmaster at St. Alban's?—Yes.
113. Did you know the lads who drove them there?—Benjamin Hales was one.
114. About what time in the morning was it they arrived at Barnet?—I am sure I did not take any notice.
115. Speak as near as you can; was it in the forenoon?—About 11 or 12, or about that time.
116. In the morning, you mean?—Yes; I did not take particular notice.
117. Did the gentlemen direct you where you were to drive when you got to town?—Yes.
118. Where did they direct you to drive to?—St. James's-street.
119. Did you drive to St. James's-street?—Yes.
120. Whereabout in St. James's-street did you stop?—At the corner of St. James's-place.
121. Did they there get out?—Yes.
122. Did they go into any house there?—They went into Cleveland-row.
123. You stopped, I think you say, at the corner of St. James's-place?—Yes.
124. Did the gentlemen who got out of the carriage go into Cleveland-row?—Yes.
125. How long did they stay?—They did not stop but a very few minutes; I do not know just by; about five minutes, or it may be more.
126. When they returned, did they get into the chaise?—They walked a little way down St. James's-street, and then they beckoned us.
127. You drove up to them, and they got in?—Yes.
128. Where did they then direct you to go?—To Whitehall.
129. Did they say where at Whitehall?—The Treasury.
130. Do you know which is the Treasury?—Yes.
131. Did you drive up to the Treasury?—Yes.
132. When you got there, did the gentlemen leave the chaise, and go into the Treasury?—Yes.
133. Did they give you any directions at that time, before they first went into the Treasury?—No, they did not.
134. How long did they remain in the Treasury before you saw them again?—It might be a quarter of an hour or more; a quarter of an hour to half an hour.
135. Did they then return to you?—Yes.
136. What directions did they give you when they returned to you?—They told us to go up to the Bell-yard and wait there, and they would come to us.
137. Bell-yard; where?—Mr. Bryant's, in Oxford-street.
138. Did you accordingly drive there?—Yes.
139. Did they come to you at the Bell-yard in Oxford-street?—Yes.
140. About what time?—About six o'clock.
141. Did you drive them back to Barnet?—Yes.
142. When you got to Barnet, did they give directions for four horses to be got ready for a carriage that was following?—Yes.
143. Did they then proceed back to St. Alban's themselves?—Yes.
144. Did they proceed in the same chaise that had brought them in the morning?—Yes.
145. The chaise came on to London; they had merely changed horses?—Yes.
146. They returned with the same horses and drivers back to St. Alban's?—Yes.

Mr. Austin stated he had nothing to ask the witness.

[The Witness withdrew.]

*James Hilyard.*

*James Hilyard* was called in.

Mr. Hildyard stated that Mr. Austin not having put any questions to the last witness, he thought he should be wasting the time of the Committee by asking this witness any question.

[The Witness withdrew.]

*Robert Galer* was called in ; and having been sworn, was Examined by  
Mr. *Hildyard*, as follows :

*Robert Galer.*

24 March 1841

147. YOU are a cabinet-maker, I believe, living at St. Alban's ?—Yes.  
148. Are you a voter for that borough ?—No.  
149. Were you at Ivory's public-house on Thursday, Friday and Saturday before the last election ?—Yes, I was.  
150. *Committee.*] What is the name of the public-house ?—The Little Red Lion.  
151. Mr. *Hildyard.*] That is the Red Lion ?—Yes.  
152. On the Thursday morning did Dr. Webster come to Ivory's house ?—Yes, he did.  
153. Did he state where he was going ?—He went up-stairs.  
154. Did you hear him state where he was going ?—I heard him halloa out to Ivory on the stairs, that he was going off to London after a man, for there was an election coming on.  
155. Did you see him start from St. Alban's on that morning ?—No, I did not ?—I saw the chaise go, but I cannot say he was in it.  
156. Mr. *Hildyard.*] That is all I ask you at present.

Mr. *Austin* stated he did not ask the witness any question.

157. *Committee.*] What do you mean by "going off to London after a man ;" was that the expression used ?—Yes.  
158. He did not explain it ?—That he was going off to London after a man, for there was an election coming on.

[The Witness withdrew.]

*John Brooks* was called in ; and having been sworn, was Examined by  
Mr. *Hildyard*, as follows :

*John Brooks.*

159. YOU are a grocer, I believe ?—I assist my brother ; he is a grocer, and I assist him in the business ; I am not in the business myself.  
160. At St. Alban's ?—Yes.  
161. Were you in the High-street of St. Alban's between eight and nine o'clock on the Thursday evening preceding the last election ?—I was.  
162. Did you see a chaise drive up to the George ?—Yes, I did.  
163. Who was in that chaise ?—Mr. Edwards and Dr. Webster.  
164. About what time ?—I should say it was between eight and nine in the evening ; I cannot say exactly.  
165. Where did they go ?—To the George.  
166. Did you afterwards see a carriage drive up to Dr. Webster's door ?—Yes, I did.  
167. Was that a carriage-and-four ?—Yes, it was.  
168. What interval elapsed between the time when you saw Mr. Webster and Mr. Edwards drive up to the George, and the time when that carriage-and-four arrived ?—I should think it was in about an hour's time.  
169. Where did the carriage drive to ?—To Dr. Webster's.  
170. What persons were in that carriage ?—I saw two or three persons get out, but I cannot say exactly who they were ; but one of the two or three was Lord Listowel.  
171. You saw two or three persons get out ; who they all were you cannot say, but one was Lord Listowel ?—Yes.  
172. Was Dr. Webster with that carriage ?—Yes.  
173. Was he in the carriage ?—He was outside the carriage, behind.  
174. In the rumble ?—Yes.  
175. Was any one else in the rumble with Mr. Webster ?—I do not remember any one else.  
176. Did you see Mr. Edwards on that occasion ?—Not at that time ; I did not.  
177. Did the parties go into Mr. Webster's house ?—Yes, they did.  
178. Were there people collected at this time about the house ?—In the front of the house.  
179. Did Mr. Webster address the people from the window ?—Yes.  
180. Was Lord Listowel in the room from which Mr. Webster was addressing the people ?—Yes, he was.  
181. Mr. *Austin.*] Did you see him there ?—Yes.  
182. Mr. *Hildyard.*] Did you see Mr. Edwards in that room ?—Yes.

183. Did

John Brooks.

24 March 1841.

183. Did Mr. Webster announce Lord Listowel to the people as a candidate?—Yes.

184. What did he say with respect to Lord Listowel, that you remember, that is material?—Why he stated that this was—he said, I think, “This is the tenth man he had had the honour;” I believe that was his words, or to that effect.

185. The tenth man he had had the honour of doing what with?—Bringing to the electors of St. Alban’s; and at the same time he asked, “How many had he lost,” and he answered his own question and said, “One.”

186. He said, “How many elections have I lost”?—Yes.

187. And said “Only one”?—Yes.

188. Did he mention Lord Listowel’s name?—Yes.

189. You have said this was the tenth or eleventh candidate?—The tenth man, he said.

190. You understood him to be speaking of the candidate?—Yes, of course; that was what we understood.

191. Who did you understand him to state was the tenth man; who was he speaking of?—He asked the question, “Had he not brought ten men to St. Alban’s, and returned all but one?” and from that I understood that Lord Listowel was the eleventh.

192. *Committee.*] Where were you at that time?—Just in front of Mr. Webster’s house.

193. In the street?—Yes.

194. *Mr. Hildyard.*] After Mr. Webster had so addressed the people, did Lord Listowel come forward and address the people?—Yes.

195. And announce himself to be a candidate?—Yes.

[The Witness withdrew.

Jeremiah Dayton.

*Jeremiah Dayton* was called in; and having been sworn, was Examined by *Mr. Hildyard*, as follows :

196. YOU, I believe, are a bailiff at St. Alban’s?—Yes.

197. Do you remember the Thursday morning preceding the last election?—I do, very well.

198. Did you see Dr. Webster that morning?—Yes, I did.

199. Did you see him leaving St. Alban’s?—Yes.

200. Was he in company with any one?—Yes, afterwards; I saw him by himself first.

201. Who was the person you saw him in company with?—Mr. Edwards; he was by himself first.

202. Is that Mr. Henry Edwards, a clerk in the bank of Messrs. Musketts?—Yes.

203. How did he leave St. Alban’s?—He left his own door with a chaise and pair.

204. Did Mr. Edwards join him?—Yes.

205. What did they do then?—Put on another pair of horses.

206. Where was that at?—At the Cross Keys.

207. And drove off?—Yes.

208. Was any one else in the carriage?—No.

209. What time was that?—It might be about 10 o’clock.

210. Whose horses were they?—I think they were Mr. Hayward’s horses.

211. In what direction did they drive?—Towards London.

212. On the Thursday evening did you find that a candidate had arrived in the town of St. Alban’s?—Yes, I did.

213. About what time was that?—Mr. Edwards and Dr. Webster came home first.

214. Did you see Mr. Webster and Mr. Edwards return?—Yes, I did.

215. About what time did they return?—I should think it might be about eight o’clock.

216. Where did they go?—They came to the George gateway, and got out there.

217. After that what became of them?—They went up into the George.

218. Did you see anything more of them at the George?—No.

219. When did you see anything of them again?—In about an hour or two.

220. Where?—

220. Where?—I saw Mr. Webster and Lord Listowel at Mr. Webster's house. *Jeremiah Dayton.*

221. Was Mr. Webster at that time addressing the people?—Mr. Webster had just finished as I got there. I heard him finish. I was not near enough to hear what he said. *24 March 1841.*

222. On the next morning, the Friday morning, did you see Mr. Webster in company with Lord Listowel?—Yes, I did.

223. About what time was that?—I should think it might be between 10 and 11 o'clock when I saw them.

224. Where did Lord Listowel put up when at St. Alban's?—I do not know.

225. Do you not know where Lord Listowel slept and lived?—No, I do not.

226. When you saw Lord Listowel and Mr. Webster, where were they coming from?—They were coming from the corner of the street called Pea-Hen-corner, coming down the street.

227. What were Lord Listowel and Mr. Webster doing when you saw them first?—They were calling at several houses as they were going along, at each house canvassing.

228. They were going from house to house in the streets they passed through?—I saw them go to several houses; each house as they passed, regularly, and then I left them.

229. Were they in fact conducting a canvass?—Yes, there were nine or 10 of them together canvassing.

230. Did you see Dr. Webster and Lord Listowel canvassing in that manner on other days besides the Friday?—Yes; I saw them several times on the Friday after that, and I saw them again on the Saturday.

231. Canvassing from house to house?—Yes; I happened to meet them several times afterwards.

232. How were they walking; were they walking together?—Yes, they were walking together, along with two or three more gentlemen.

233. Was Lord Listowel taking Mr. Webster's arm?—Yes; and there was another gentleman by his side; I do not know his name.

234. He was not a St. Alban's person?—No.

235. Did you see Lord Listowel constantly taking the arm of Mr. Webster?—Yes, several times.

236. On the occasions to which you have spoken was Lord Listowel generally holding Mr. Webster's arm?—On several occasions he was.

237. Do you know who proposed Lord Listowel?—Yes.

238. Who was it that proposed Lord Listowel?—

239. Mr. *Austin*.] You were there?—Yes; Mr. Webster was one.

240. Mr. *Hildyard*.] He proposed him on the hustings?—Yes; there was a proposer and seconder; Mr. Webster was the proposer, and Mr. Thomas Kinder was the seconder.

241. Was Lord Listowel chaired, or did he go round the town after the election?—He went round in his carriage.

242. With flags, drums, and trumpets, commemorating his triumph?—Yes, flags and trumpets.

243. Did you see on that occasion Mr. Webster?—Yes, I did.

244. Where was Mr. Webster?—In the carriage.

245. With Lord Listowel?—Yes.

#### Cross-examined by Mr. *Austin*.

246. Do you know Mr. Blagg?—Yes.

247. Particularly well?—I know him very well.

248. Very well, do you not?—Yes, I know him very well.

249. Have you known him ever since the Reform Bill?—Before the Reform Bill.

250. And ever since?—Yes.

251. During all the elections that have taken place at St. Alban's?—Yes.

252. Did you see Mr. Blagg at the last election?—Yes, I did.

253. Do you know Mr. Cabbell?—Yes.

254. Did you ever speak to him?—Yes.

255. Several times?—Many times.

256. Have you any doubt you know him?—I canvassed with him, so that I ought to do.

257. Arm-

Jeremiah Dayton.

24 March 1841.

257. Arm-in-arm?—No; I went round like the rest of the gentlemen.  
 258. You went in the tail of the party?—Yes.  
 259. Did Mr. Blagg canvass with him?—Yes, he did.  
 260. Arm-in-arm?—He was with him, sometimes arm-in-arm.  
 261. Was not he a good deal arm-in-arm with Mr. Blagg?—Yes.  
 262. Calling at houses?—Yes.  
 263. And asking for votes?—Yes.  
 264. Who proposed Mr. Cabbell at the election?—Mr. Storey.  
 265. Who seconded him?—Dr. Lipscombe.  
 266. Did they canvass with Mr. Cabbell?—I do not recollect seeing Dr. Lipscombe.  
 267. Did you see Mr. Storey?—Yes.  
 268. You saw him arm-in-arm with Mr. Cabbell?—I saw him with him several times; I cannot say arm-in-arm; he was with him all the best part of the first day he canvassed; I cannot say arm-in-arm.  
 269. *Committee.*] Are you a voter?—Yes, I am.  
 270. *Mr. Austin.*] And always have been?—I have been a voter above 20 years.

[The Witness withdrew.

Mr. George Taylor. Mr. George Taylor was called in; and having been sworn, was Examined by Mr. Hildyard, as follows:

271. YOU are a bootmaker, living at St. Alban's?—Yes.  
 272. Were you present when Mr. Webster addressed the people from a window of his house on the Thursday evening?—Yes.  
 273. Did he mention Lord Listowel's name on that occasion?—Yes.  
 274. What did he say?—He did not say anything particular; anything further than that he said he had brought a gentleman down; that he had fought 12 battles, and had won 11, and he had brought a gentlemen down to represent them in Parliament, and so forth; I cannot recollect all he said.  
 275. Did he mention who that gentleman was?—Yes.  
 276. Who was it?—The Earl of Listowel.  
 277. Did you see Mr. Webster and Lord Listowel together during the days that intervened before the nomination and election?—Yes.  
 278. Did you then see them constantly together?—I saw them several times together.  
 279. What were they doing?—They were canvassing.  
 280. Do you know where Lord Listowel put up at the election?—  
 281. *Mr. Austin.*] Do you know it of your own knowledge?—Yes.  
 282. Of your own knowledge?—Yes.  
 283. *Mr. Hildyard.*] Where?—At the George Inn.  
 284. Did you, during the period that intervened before the election took place, see Mr. Webster taking voters into the George Inn?—Yes, several times I saw him.  
 285. Did you see Mr. Webster taking votes up to the poll on the day of polling?—Yes; oh, yes.  
 286. In many instances?—A great many.  
 287. Do you know where he brought any of the voters from?—I saw him take some from the committee-room, Mr. Maylard's; they came out of the door, and he took them to the George.  
 288. You saw him bringing them from Mr. Maylard's house?—Not only from there, but several times when he met them in the street.  
 289. Do you know that persons supporting Lord Listowel met at Maylard's house?—Oh, yes; I saw them going in and out all the time.  
 290. Did you see them on one occasion, or on several?—On a great many occasions.  
 291. On the days of polling, or the days previously?—The days previously; I did not see them on the day of polling.  
 292. Did you see Mr. Webster frequently going in and out of Maylard's house?—Yes.  
 293. Have you seen Lord Listowel going to Maylard's house?—I never did.  
 294. Have you seen Mr. Edwards going in and out of Maylard's house?—Oh, yes.  
 295. Frequently?—No, not many times; not above once or twice.

296. Do

296. Do you remember a voter of the name of Adams making a disclosure at the hustings with respect to Mr. Webster?—Yes; I stood opposite the hustings at the time; I did not see Adams go in to poll.

Mr. Geo. Taylor.

24 March 1841.

297. Mr. *Austin*.] You saw him go to the hustings?—No, I did not.

298. Mr. *Hildyard*.] Did you see him on the hustings, and did you hear him make a disclosure?—I did.

[The Witness withdrew.

[Adjourned till To-morrow 11 o'clock.

*Jovis, 25<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

The Names of the Committee were called over; all the Members present.

Mr. *George Taylor* was again called in; and having been sworn, was Cross-examined by Mr. *Austin*, as follows:

Mr. Geo. Taylor.

25 March 1841.

299. ARE you a voter of St. Alban's?—Yes.

300. How long have you been a voter there?—Fourteen or fifteen years.

301. Are you a freeman?—Yes.

302. Have you always voted on the same side?—No.

303. When did you change sides?—When Mr. Ward voted against the free-men; that was the reason I changed.

304. You are not a 10 l. householder?—Yes, I am, as well.

305. Are you registered too?—No, I vote by my freedom.

306. Do you know a club called the Rough Club, at St. Alban's?—No, I do not.

307. Did you ever hear the name of it?—I have heard of it.

308. Are you a member of that club?—No.

309. Were you so at the last election?—I do not believe there was any club of the kind; it was a mere chaff and talk about the streets.

310. Did you fill any office at the last election at St. Alban's?—No, not particular.

311. That is just what I want to know; did you fill any office not particular?—I do not remember that I was in any office at all.

312. Do you mean to say you do not remember filling any office at the last election?—Yes.

313. Did you or did you not?—I did not.

314. Were you employed in any way at the last election?—Employed?

315. Were you employed in any way at the last election?—Not particularly employed.

316. Whether particularly or not, were you employed at the election?—I do not remember that I was employed at the election at all.

317. Were you paid for any employment?—Paid?

318. Do not repeat my words?—I was paid for getting voters up to the poll.

319. Were you paid for any employment?—Paid for any employment? when I went round the borough for voters they paid my expenses.

320. What were you paid?—A sovereign, and I paid 10 s. for a gig; that was the usual allowance.

321. What were you paid altogether?—That I cannot say.

322. Did you receive 10 l.?—No, I wish I had.

323. Will you swear you did not?—I will.

324. Were they Lord Listowel's voters you were employed to bring up?—No.

325. Whose were they?—Mr. Cabbell's.

326. Who paid you?—I think Mr. Langley paid me.

327. Do you not know?—Mr. Langley paid me.

328. When



Mr. Geo. Taylor.

25 March 1841.

328. When were you paid?—He gave me the money directly I was going out to fetch anybody out of the town.

329. He paid you for the job?—Yes, and I paid 10 s. for the gig; they never had any bills come in against me afterwards.

330. *Committee.*] Who is Mr. Langley?—He is a bookseller at St. Alban's.

331. Mr. *Austin.*] Were you at the Verulam Arms?—I went to the Verulam Arms the morning Mr. Cabbell was there; I went and shook hands with him and promised him my vote directly I saw him.

332. Were you there afterwards?—Yes, I went in one evening.

Mr. *Austin* stated he did not intend to evade the decision of the Committee yesterday, with respect to Mr. Blagg, but he had an object in pursuing the inquiry as far as he had done.

The *Chairman* stated that he did not mean to say that the decision in the case of Mr. Blagg, would apply to this witness.

Mr. *Austin* stated he should not pursue it any further with this witness.

Re-examined by Mr. *Hildyard*.

333. Then do I understand you, that the sums you received were for sums you disbursed and payments for your services?—Yes.

Mr. *Austin.*] Not for disbursements; it was before the money was spent.

334-5. Mr. *Hildyard.*] For expenses you were about to incur?—Yes, to pay my expenses.

336. You promised Mr. Cabbell the moment you saw him?—Yes, I did.

337. Before this employment?—Yes, I did.

338. Did Edwards offer to retain you on behalf of Lord Listowel?—Dr. Webster and Edwards came to me on the morning—

Mr. *Austin* objected to the question.

339. Mr. *Hildyard.*] Did Dr. Webster, at any time between the vacancy and before the election, make an application to you?—I do not understand you.

340. Did Mr. Webster come to you and make an application?—He came on the morning after Mr. Edward Grimston's circulars were out, along with Mr. Edwards, and asked me—

341. *Committee.*] Never mind that?—Dr. Webster did not, as far as I recollect.

342. Mr. *Hildyard.*] You say he came in company with Mr. Edwards?—Yes.

343. What day was it?—The Thursday morning before the election.

344. They came together?—Yes.

345. Where were you?—At home.

346. They came to your house?—Yes.

347. Was Dr. Webster present when Mr. Edwards made an application to you?—Yes.

348. What was the application which Mr. Edwards made to you?—

[The Witness was directed to withdraw.

Mr. *Austin* objected to the question being put until Dr. Webster was proved to be an agent; and referred to the Wells case.

Mr. *Hildyard* stated that he was now in the course of proving the agency of Mr. Webster, and contended it was competent to him to put the question.

Mr. *Austin* was heard in reply.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed by the Chairman that the Committee were of opinion that the question could not be put.

Mr. *John Pitt Richardson* was called in ; and having been sworn, was Examined by Mr. *Talbot*, as follows :

Mr.  
*J. P. Richardson.*

25 March 1841.

349. I UNDERSTAND you are a bookseller, in business at St. Alban's?—Yes.  
 350. Have you lived there some time?—Yes.  
 351. You voted, I understand, for Mr. Cabbell at the last election?—Yes.  
 352. Do you remember, on Friday morning before the election, being called upon by the other side?—Yes.  
 353. Did Lord Listowel come himself?—Yes.  
 354. Who came into the shop with him?—Mr. Webster came with him.  
 355. Is that the gentleman called Dr. Webster?—Yes ; and several others.  
 356. Where did this interview with Lord Listowel take place?—I was standing at the door at the back of my shop when they came in.  
 357. Is there a street on both sides of your house?—There is a door that leads into the library at the back of the shop.  
 358. Is there any access to the shop at the back?—No.  
 359. There is an access to the shop in front, and then a door into the library?—Yes.  
 360. Who came into the shop?—The Earl of Listowel and Mr. Webster came to me at the end of the shop, and Mr. Webster said, " Mr. Richardson, I have called, with the Earl of Listowel, to solicit your vote and interest."  
 361. *Committee.*] Dr. Webster said that?—Yes.  
 362. Mr. *Talbot.*] Did Lord Listowel say anything?—He did not make any observation.  
 363. I suppose you did?—I said I was sorry that he had had the trouble of calling ; I had already promised my vote.  
 364. And thereupon, as they say in the House, " and the conversation dropped"?—His Lordship bowed and went out.  
 365. Do you know Forster's house, the George?—Yes.  
 366. Have you at any time seen any warrant of the Speaker affixed to the outside of Forster's house?—I saw what I was told was the warrant of the Speaker.  
 367. Mr. *Austin.*] Was the warrant in writing?—Yes.  
 368. Mr. *Talbot.*] Did you see a paper affixed to the door of Forster's house ;—Yes.  
 369. Did you read it?—Yes.  
 370. Was the Speaker's name affixed to it?—Yes.  
 371. When was this?—I do not know the date exactly ; it was the day, I understood from——

Mr. *Austin.*] No ; pray do not tell us that.

372. Mr. *Talbot.*] How lately was it?—In the last few weeks.  
 373. In the last few days?—No.  
 374. Within about a fortnight?—I think it was.  
 375. Have you seen any processions going about the streets by torchlight, with the warrants?—On the evening of that day, I did.  
 376. Was there a paper similar to that you saw at Forster's, carried on a pole?

Mr. *Austin* objected to the question, and contended that the warrant should be produced ; that if it was shown to be in the possession of Lord Listowel, notice ought to have been given for its production, and if it was not produced, evidence of the contents might be given.

Mr. *Talbot* was heard in answer to the objection, and stated that the object was to inform the Committee of the proceedings at St. Alban's since the petition had been presented, and to explain the difficulty that the petitioners might be under in presenting their case to the Committee.

The *Chairman* stated, that if the authority of the House had been treated with disrespect, and difficulties had been in consequence thrown in the way of the petitioners, it was for them to make an application to the Committee upon the subject.

Mr. *Talbot* stated he thought it likely that an application might be necessary to be made to the House with regard to the evidence, which in an ordinary case would not be necessary, but that the witness being here, he thought

Mr.  
J. P. Richardson.  
25 March 1841.

it better to put those questions to him rather than call him up again, to show that proceedings of a most unprecedented character had been resorted to with respect to all the witnesses called, and the professional gentlemen employed, not excluding himself.

Mr. *Austin* objected to statements, such as that now made, being addressed to the Committee.

377. Mr. *Talbot*.] Have you lately seen torchlight processions in the streets of St. Alban's?—On the evening of that day I spoke of before.

378. Did you upon that occasion see a paper, no matter what, carried round at the top of a pole?—

379. Mr. *Austin*.] Ask him what he saw?—I saw several papers stuck on a board, and carried in procession behind a band of music.

380. Mr. *Talbot*.] Did you see Henry Edwards upon those occasions?—I did not observe him.

Cross-examined by Mr. *Austin*.

381. You say that Mr. Webster was at your shop upon some occasion?—Yes.

382. And I think you added, though my learned friend did not ask you, there were several other people with him?—Yes, there were.

383. How near was Lord Listowel to Mr. Webster?—I think, before they came into the shop, the Earl of Listowel had hold of Mr. Webster's arm.

384. Did you see him?—Yes; they advanced towards me, close together.

385. As I understand you, Mr. Webster introduced you to Lord Listowel?—Yes; he introduced me, and made a solicitation for my vote at the same time.

386. In the usual way of canvassing?—Yes, I suppose so.

387. Were you ever canvassed before?—Yes.

388. By whom?—By Mr. Edward Grimston and Mr. Cabbell.

389. Was that at Mr. Grimston's election?—Yes.

390. What passed upon that occasion?—I really cannot say.

391. Did they come up to your shop?—I think not.

392. You think not?—I am sure not.

393. Were you in the street?—No, I went to the committee-room without being solicited.

394. I suppose there were several gentlemen present then?—The room was full.

395. I suppose they said something about the honour of your vote?—They really did not.

396. Whatever it was, you were canvassed upon this occasion for your vote?—Upon that occasion I was not canvassed.

397. In your shop?—No, I went to the committee-room.

398. Upon the other occasion we have been speaking of, you were canvassed for your vote, and you very civilly denied it?—Yes; they were very civil.

399. Your opinions are known; you are known to be on the other side?—Yes.

400. It was an act of civility Lord Listowel calling upon you, and making his bow and going away?—Certainly; he was very civil.

401. You have nothing to complain of?—No, certainly not.

402. Are you certain of Mr. Webster being the person speaking upon this occasion?—Yes.

403. He was the interlocutor?—Yes.

404. Was Mr. Langridge there?—Yes, and Mr. Gird; I did not observe any one else.

405. Are you quite sure it was Mr. Webster who made the introduction?—Yes, because Mr. Langridge and Mr. Gird were standing near the door; very few of the party came in.

406. You were not canvassed for Mr. Cabbell on the last occasion?—Yes, I was.

407. Where?—In my shop.

408. Did he come alone?—No, Mr. Blagg came with him, and Mr. Osbaldiston.

409. And others about the door?—The shop was full of them.

410. Just in the same way as when Lord Listowel came?—Rather different; there were more of them; they did not hesitate to come into my shop.

411. Was Mr. Cabbell arm-in-arm with Mr. Blagg?—No.

412. How

412. How then?—Mr. Cabbell stood alone; they all stood very near together, but I cannot tell how they stood.

413. I will venture to say that Mr. Blagg introduced you much in the same way as Mr. Webster did?—Mr. Blagg said, "Here is our old friend again."

414. You had seen him before?—I had voted for him before.

415. He said something about your vote?—Yes.

416. And then they walked away?—Yes.

417. Was not it precisely the same sort of thing as Mr. Webster and Lord Listowel; a mere canvassing?—Yes.

418. In the one case it was an act of civility, and in the other case they got something by their motion?—Yes.

Re-examined by Mr. *Talbot*.

419. Lord Listowel was civil, but there was no doubt of their object?—They called upon me to solicit my vote.

420. Was there any professional man, any lawyer, in the party?—No.

421. Who approached you at the end of your shop?—No one but Mr. Webster and Lord Listowel.

422. Had you any conversation, good, bad or indifferent, with any of the party but Mr. Webster and Lord Listowel?—None at all.

423. Mr. Blagg is the gentleman who was here yesterday the town-clerk?—Yes.

424. Did you observe what took place after they left the shop?—No.

425. Nor before they came in?—No, I observed some of them in the street; they came down Verulam-street.

[The Witness withdrew.

*Samuel Cherry* was called in; and having been sworn, was Examined by Mr. *Hildyard*, as follows:

*Samuel Cherry.*

426. YOU are a linendraper, living at St. Alban's?—Yes.

427. And a voter for the borough?—Yes.

428. Were you canvassed at the last contest for Lord Listowel?—Yes.

429. When?—February the 5th.

430. That would be on Saturday morning?—It was the Friday morning.

431. Who came to canvass you?—Mr. Webster and Lord Listowel.

432. Who did actually canvass you?—Mr. Webster.

433. That is to say, Lord Listowel being present, Mr. Webster was the person who undertook to canvass you?—Yes, and introduced Lord Listowel to me.

Cross-examined by Mr. *Austin*.

434. Are you a Whig or a Tory?—A Tory.

435. You voted for Mr. Cabbell, I suppose?—Yes; I had promised at that time, and so I told Lord Listowel.

436. I suppose Lord Listowel was sufficiently civil to you?—Yes.

437. You had nothing to complain of?—No.

438. Had you been canvassed by Mr. Cabbell?—Yes, previous to that.

439. Who came with Mr. Cabbell?—Mr. Storey and Mr. Gape, and some others.

440. They came open-mouthed upon you; was Mr. Blagg there?—Yes.

441. Did he come with Mr. Cabbell?—Yes.

442. Arm-in-arm?—No, they were all in attendance together.

443. Did Mr. Blagg ask for your vote?—He introduced Mr. Cabbell to me.

444. I wonder you did not tell me that before, as well as about Mr. Storey and Mr. Gape?—I could not mention all of them at once.

445. And he asked for your vote and interest, and you promised Mr. Cabbell?—Yes.

446. It is the counterpart of what took place on the part of Lord Listowel?—Yes.

447. And a great many persons on both occasions?—Yes.

448. You saw no impropriety in either crowd?—No.

[The Witness withdrew.

Mr. T. Wood.

25 March 1841.

Mr. *Thomas Wood* was called in ; and having been sworn, was Examined by Mr. *Talbot*, as follows :

- 449. I UNDERSTAND that you are hard of hearing ?—A little.
- 450. Are you a harness-maker ?—A collar and harness-maker.
- 451. And a blue ?—Yes.
- 452. Were you canvassed on the part of Lord Listowel ?—Yes.
- 453. When ?—When ? I do not know when ; lately ; it was on a Friday ; I think it is the 5th ; I cannot recollect.
- 454. Who canvassed you ?—Mr. Webster and Mr. Listowel came into my shop together.
- 455. What passed ?—Mr. Webster introduced his Lordship to me, and solicited me for my vote.
- 456. And you said what ?—I told them I was engaged ; I could not serve them, I was engaged.
- 457. What then ?—That was all.
- 458. And they parted ?—Yes, they went away.

Cross-examined by Mr. *Cockburn*.

- 459. Were they alone, or were there other persons with them ?—There were a great number round about them ; I did not take notice of them ; there were many outside the door.
- 460. Did anybody else come into the shop with them ?—They were just all about, I did not take notice.
- 461. Have you always been a blue ?—Always ? no, sometimes the other.
- 462. You change from time to time ?—Yes, sometimes I change.
- 463. Shift your colours ; were you canvassed on the other side by Mr. Cabbell ?—Yes.
- 464. Did Mr. Cabbell come himself ?—Yes.
- 465. Who came with him ?—Mr. Storey.
- 466. Who else ?—There was a party with him ; I did not take notice of them much.
- 467. Did Mr. Gape come ?—I did not notice him.
- 468. Was Mr. Blagg there ?—I did not notice him ; I cannot remember just now.
- 469. Why should you recollect Mr. Storey ?—Mr. Storey came into the shop and introduced Mr. Cabbell to me.
- 470. Who came in first ?—Mr. Cabbell, and Mr. Storey came in afterwards and spoke to me.
- 471. They asked you for your vote and interest ?—Yes.
- 472. Just the same as Lord Listowel ?—Yes.

Re-examined by Mr. *Talbot*.

- 473. Did anybody speak to you when Mr. Webster and Lord Listowel came, but Mr. Webster ?—No.
- 474. Did his Lordship speak at all ?—I do not recollect that he did.
- 475. Have you any doubt that Mr. Webster spoke to you ?—No, none at all.

[The Witness withdrew.]

Joseph Richards.

*Joseph Richards* was called in ; and having been sworn, was Examined by Mr. *Hildyard*, as follows :

- 476. YOU are a saddler, living at St. Alban's ?—Yes.
- 477. You are a voter for the borough of St. Alban's ?—Yes.
- 478. Were you canvassed at the last contest for Lord Listowel ?—Yes, I was.
- 479. Who canvassed you for Lord Listowel ?—Richard Webster.
- 480. At your own house ?—No, not at my own house, but at my master's shop.
- 481. *Committee.*] Richard Webster, is that another person ?—No, he is commonly called Dr. Webster.
- 482. Mr. *Hildyard.*] Was Lord Listowel present when Mr. Webster canvassed you ?—Yes, he was.

Cross-examined

## Cross-examined by Mr. Leahy.

Joseph Richards.

25 March 1841.

483. Were you canvassed during the election by Mr. Cabbell?—Yes.  
 484. Was he accompanied by any parties?—Yes, several.  
 485. Do you recollect the names of them?—Osbaldiston was one.  
 486. What is he?—He is an attorney in St. Alban's.  
 487. Was he Mr. Cabbell's attorney?—Yes, he was.  
 488. Was Mr. Blagg with him?—No, not at that time; he was on the opposite side of the way.  
 489. What was the distance?—About 20 yards.  
 490. Is it a pretty wide street?—Yes.  
 491. Was Mr. Blagg one of the group?—I believe at the time that Mr. Cabbell was in my house soliciting my vote they were proclaiming the election.  
 492. It was on the morning of the Friday?—Yes.

[The Witness withdrew.]

*Robert Howie* was called in; and having been sworn, was Examined by  
 Mr. *Hildyard*, as follows:

Robert Howie.

493. YOU are a gardener, I think?—I am.  
 494. Where do you live?—At St. Alban's.  
 495. Do you remember ———  
 496. Mr. *Leahy*.] Have you been in the room during any time?—No, I have not.  
 496\*. *Committee*.] You have heard none of the evidence given?—I have not.  
 497. Mr. *Hildyard*.] Do you remember the Thursday evening after the vacancy was declared, before the election?—Yes, I do.  
 498. You are a voter?—I am.  
 499. Who did you vote for?—For Mr. Bond Cabbell.  
 500. Were you before Dr. Webster's house on that evening?—Yes, I was.  
 501. Did you hear Mr. Webster come to the window?—Yes, I did.  
 502. Now, did Mr. Webster address the people assembled before his house?—Yes, he did.  
 503. Just tell us the substance of what he said shortly?—He opened the window and took off his hat and addressed the people, and said he had brought them "A man—a good man."  
 504. Did he speak as to the number of candidates he had brought before?—He did.  
 505. Just tell us what he said upon that subject?—Something about ten, I think.  
 506. Did he state what success he had had before?—Yes, he did; he said he had fought their battles many times, and had never lost but once, and he would fight it again and again.  
 507. After that Lord Listowel came forward?—Yes, he did.  
 508. And addressed the people?—Yes, and addressed the people.  
 509. During the canvass did you see Lord Listowel and Mr. Webster together?—Yes, I did.  
 510. More than once?—Many times.  
 511. On more than one day?—Yes.  
 512. Were they proceeding from house-row to house-row in their canvass?—Yes, they were.  
 513. Did they go into each house as far as they came within your observation?—Yes, as far as I observed, they did.  
 514. Was Mr. Webster walking arm-in-arm with Lord Listowel?—Yes, he was.  
 515. This you saw frequently on all the days on which the canvass was going on?—Yes, I did.

## Cross-examined by Mr. Leahy.

516. I suppose it is not a usual thing for gentlemen to walk arm-in-arm about the borough of St. Alban's?—No, it is not.  
 517. You see other people walking in the same way?—Except upon electioneering occasions you do not.

*Robert Howie.*

25 March 1841.

518. Except upon electioneering occasions people do not walk arm-in-arm?—Not for days and nights together.

519. Have you ever seen Mr. Webster walking with Lord Listowel by night?—Yes.

520. Arm-in-arm?—Yes.

521. You stated Mr. Webster told the people he had brought them “a good man?”—Yes.

522. Did you think there was anything extraordinary in that sort of announcement?—No, I do not know that there was.

523. Should you not think it extraordinary if he had said he had brought them a bad man?—I should.

524. Have you ever heard any of your agents introduce their own candidates?—Yes, on the hustings.

525. Or elsewhere, have you heard agents introducing a candidate?—On other occasions, but not on this occasion.

526. You have heard gentlemen so speak of their candidates?—Not on this occasion.

527. Is it not a common thing for other people to introduce candidates in the same way?—Yes, it may be.

528. It is a common thing for people to speak of candidates who are not agents?—Yes, it may be.

529. Is it not usual for them to praise him, and say he is a good man, or anything to that effect?—Yes.

530. Have you not seen it on a hundred occasions before?—Not on a hundred occasions.

531. Have you seen it before?—Yes.

532. In whose employment are you?—Mr. Storey’s.

533. Do you know that Mr. Storey is a petitioner in this case?—He is.

534. Have you always voted on the same side?—Yes, I have.

Re-examined by Mr. *Hildyard*.

535. I understood you to state, you had seen Lord Listowel walking by night arm-in-arm with Mr. Webster?—Yes, I have.

536. What doing at night-time?—The precise time I cannot state.

537. What were they about?—Apparently canvassing, going from house to house and stopping them in the street, voters and others; I cannot say they were all voters.

538. Whenever you saw Lord Listowel, did you see Mr. Webster with him?—I do not know that I ever saw Lord Listowel without Mr. Webster.

[The Witness withdrew.]

Mr. *James Annesley Dorant* was called in; and having been sworn, was Examined by Mr. *Talbot*, as follows:

*Mr. J. A. Dorant.*

539. ARE you a voter at St. Alban’s?—I am.

540. And in what is called the Blue interest?—Yes.

541. Were you canvassed on the part of Lord Listowel?—I was.

542. By whom?—There were a great many upon the canvass, a great many persons; the first person was Dr. Webster.

543. Did Mr. Webster address you?—He did.

544-5. Upon the subject of your vote?—Yes.

546. Did you see any book carried?—Yes, Mr. Webster had a book in his hand.

547. Have you been accustomed to canvass yourself, or to canvassing?—Yes.

548. You know what a canvassing-book is?—Perfectly.

549. Did the book in Mr. Webster’s hand appear a canvassing-book?—I did not see it opened, but it appeared to be a canvassing-book.

550. Mr. *Leahy*.] You do not know anything of the contents of it?—No.

551. Mr. *Talbot*.] It appeared to be like a book used for canvassing?—Yes; it was a small memorandum book, rather longer than wide.

552. Did

552. Did you see the canvassing going on, independently of what passed with yourself?—I met Mr. Webster, and Lord Listowel, and the party, just as they appeared to be coming out of Mr. Webster's house, proceeding down George-street, and after I was canvassed. I do not know whether you want to know what passed.

Mr. J. A. Dorant.

25 March 1841.

553. I want to know what happened?—They proceeded on their canvass.

554. Did it occur to you to see Lord Listowel more than once on that election?—Yes.

555. Did you see him again in company with Mr. Webster?—Yes, on the Saturday.

556. And on the Sunday; there was no canvass on the Sunday?—No.

557. On the Monday?—No, I did not.

558. Were you at the hustings on the day of polling, when Adams came up?—No, I was not; I was not at the hustings till afterwards.

559. You heard that such a transaction had taken place?—

Mr. Leahy objected to the question.

The question was waived.

560. Mr. Talbot.] What time were you there?—About half-past two o'clock.

561. Did you see Dr. Webster there?—Yes.

562. Did he say anything to you?—He told me the circumstance of Adams's transaction; he was the only person I heard it from at that time.

563. Committee.] He told you what had passed at the hustings?—He told me in the street, near the hustings.

564. Mr. Talbot.] What did Dr. Webster tell you?

Mr. Leahy objected to the question as being inadmissible, under the decision of the Committee, at this stage of the cause.

Mr. Talbot submitted, he was now entitled to obtain from the witness what Mr. Webster had told him upon a matter relating to himself, and reminded the Committee that their last decision related to a declaration of Edwards.

Mr. Leahy was heard in reply.

The Chairman stated, that the Committee had decided, that the question might be put.

565. Mr. Talbot.] What was it Mr. Webster said to you, in narrating what had passed with Adams?—He said, "They are going to send me to Newgate," or "They threaten to send me to Newgate;" that was the first observation.

566. That was a startling proposition; what did you say?—I said, "What for, Doctor?" He said, "Adams says I gave him 12*l.* to vote for Lord Listowel."

567. Have you now stated the whole?—I believe I said, in a friendly joking way, "There are many better men than you have gone there; I hope you will have some pleasant company."

568. Committee.] The words Mr. Webster said to you were, "They threaten to send me to Newgate;" and upon your saying, "What for?" he said, "Adams says I gave him 12*l.* to vote for Lord Listowel?"—Yes.

Cross-examined by Mr. Leahy.

569. You say you considered this matter in the nature of a joke between Mr. Webster and you?—I had not heard of the circumstance before Mr. Webster told me.

570. You say you considered it in the nature of a joke?—I was joking with him about his going to Newgate.

571. You did not seriously believe he would go?—I did not form any judgment upon it.

572. You expressed a judgment upon it; you said to him something jokingly; did you consider that the transaction was a joke?—I considered he was relating to me what had passed at the hustings.

573. Did you consider that it was stated to you seriously, and that he really anticipated he should go to Newgate?—I cannot say.



*Mr. J. A. Dorant.*

25 March 1841.

574. You expressed an opinion at that time, and you can express one now?—No, I did not express any opinion.

575. You said something in a joking and friendly manner; if you thought he was going to Newgate in reality, did you consider it a fit subject for a joke?—I did not form any opinion on the subject at that time.

576. Did you not consider it a joke at the time?—What I said to Mr. Webster —

577. Was said jokingly?—Yes.

578. Was not that in consequence of your considering the subject a matter of joke?—I considered there had been some charge against him; whether it was a joke I could not tell.

579. Did you consider him representing it as a serious matter?—He represented it as having taken place.

580. Did he represent it as being true?—He certainly seemed to be very much agitated.

581. If such an imputation had been made upon you that had been made upon him, without any foundation, would it not have agitated you?—Yes, it would.

582. Do you not think it a very serious thing to go to Newgate on any account?—Yes.

583. And therefore not a matter to be trifled with?—Yes.

584. Did Mr. Webster tell you he was present at the hustings when this transaction happened?—No; I think I have related every thing that passed.

585. Was this at the hustings?—Near the hustings.

586. I understand you to say that Mr. Webster had learnt in some way or other that this charge was made?—Yes.

587. And you considered it a just charge?—No, I did not.

588. Did you not twice in the course of your examination say that you said to Mr. Webster jokingly, in a friendly and familiar manner?—Yes.

589. Was not your speaking to him in that joking and friendly manner in consequence of your entertaining a correspondent opinion in your mind as to the nature of the transaction?—I do not understand the question.

590. Is it not the general result of any sort of statement made by you or any body else, that it is the impression of the man's mind at the time he makes it?—Yes.

591. Was not your statement to Mr. Webster, and the fact of its being made in a joking, friendly and familiar manner, in consequence of your entertaining in your own mind an opinion that the transaction was not of a serious nature, and would not result in any serious consequences?—It is very possible that I might have thought such a thing could not be proved against him. I thought that there might be a difficulty, from the way in which it was stated; we were not five minutes together.

592. You stated you were in company with Mr. Webster and Lord Listowel?—Mr. Webster was the first, and there were two persons behind; and then Lord Listowel came in a third time, and I think he had Mr. Wilshire's arm, the Member for Yarmouth.

593. Then Mr. Webster and Lord Listowel were not together?—They were in the same party.

594. They were no more together than you and I are, you are in the third line from me; Lord Listowel was in the middle of the room?—No, he was on the pavement.

595. You say there were a great many people together; a group?—Yes.

596. The person next to Mr. Webster was not Lord Listowel?—No.

597. He was leaning upon Mr. Wilshire?—Yes.

598. And he was three lines from him?—Mr. Webster took me back to Lord Listowel.

599. And they went about the town canvassing; it was all in a general way?—Yes, the same as at any other election.

600. I understand you distinctly to have stated you were not at the hustings at the time this statement was made?—I was not.

Re-examined by *Mr. Talbot.*

601. You told my learned friend that Mr. Webster seemed very much agitated; what symptoms of agitation did he exhibit?—He seemed flurried, and was walking backwards and forwards hastily.

602. Did

602. Did you give credit to what he said; did you believe it was a fable he was narrating, or something that had happened?—I did not consider he was misrepresenting anything, but that he was stating what had occurred. Mr. J. A. Dorant.  
25 March 1841.

603. And of course, of the truth of Adams's story you could form no opinion?—No.

604. You took his statement for the truth?—Yes.

605. The joke, so far as there was one, was, on your part, in the answer you made?—Yes.

606. You hoped he would be comfortable in Newgate, if he had the misfortune to go?—I believe the observation was as I stated it.

607. When you first saw the party approach you, they were walking along the pavement?—Yes.

608. Mr. Webster at the head, and two gentlemen behind, and then Lord Listowel and Mr. Wilshire behind them?—Yes.

609. Mr. Webster canvassed you?—Yes, he came up to me and shook hands with me.

610. And led you back to Lord Listowel, in the third tier?—Yes.

611. Did he then canvass you?—He said, "Allow me to introduce you, Mr. Dorant, to a staunch friend upon whom you may rely." Lord Listowel touched his hat, and I touched mine, and we parted.

612. *Committee.*] You say, when you saw Mr. Webster he had a canvassing book in his hand?—Yes, a memorandum book in his hand.

613. After he had canvassed you, did he write in the memorandum book or not?—No, I do not think he did.

614. Were you on intimate terms with Mr. Webster before this?—Yes.

615. On friendly terms with him?—Yes.

616. When he came to you in this agitated state, and said he was going to be sent to Newgate, you really thought he was?—I could not form any opinion upon it; I thought he was relating what had passed.

617. He was agitated, and you thought such a fate was likely to follow?—He certainly appeared to be frightened and agitated.

618. He came to communicate this to you as a friend?—Not as a friend, in a friendly manner; I was standing in the street, he was walking backwards and forwards, and he came up to me and said, "They threaten to send me to Newgate."

619. You believed that to be a serious communication?—I believed he was stating what had passed.

620. You believed he was apprehensive of being sent to Newgate?—Yes.

621. Are you in the habit, when your friends make these communications to you, of turning them into jokes?—I do not know, perhaps I am.

622. Have you always voted on one side?—Yes.

623. Do you know that that fact was known to Mr. Webster?—Yes.

624. What business are you?—A solicitor; I am in the office of the clerk of the peace for the county.

[The Witness withdrew.]

Mr. Robert Galer was again called in; and having been sworn, was Examined by Mr. Hildyard, as follows:

625-6. ON Saturday morning were you at the Red Lion; in the bar?—I was. Mr. Robert Galer.

627. Have you the superintendence of the bar there?—Yes.

628. The innkeeper and his wife were both ill?—Yes.

629. Did Dr. Webster come to the Red Lion?—He did.

630. Were there some persons with him?—Yes, he brought some persons with him.

631. Do you recollect a person of the name of Godspeed?—Of the name of Goodspeed there was one.

632. He is a butcher?—Yes.

633. Is he a voter for the borough?—Yes, I believe he is.

634. What directions did Mr. Webster give to you?—He told me to let the people have something to drink.

635. Did you ask him at whose charge it was to be?—No, I do not remember it.

636. Did you charge it to anybody?—It was put down on the slate.

Mr. Robert Galer.

25 March 1841.

637. Did you supply drink, and did you receive the money from the persons themselves, or put it down to any account?—I put it down on the slate.

Mr. *Leahy* objected to the question.

The question was waived.

638. Did you receive the money for the drink you supplied to those persons or not?—No.

639. Did you put down to any account the sum which was charged for the drink so supplied?—

Mr. *Leahy* objected to the question, there being no evidence yet before the Committee to prove the agency of Mr. Webster.

The Committee decided that the question might be put.

640. Mr. *Hildyard*.] Did you put it down to any account the amount of liquor so supplied?—Yes.

641. Did you do so in consequence of the directions you received from Dr. Webster?—

Mr. *Leahy* objected to any evidence being given of the acts of Mr. Webster, inasmuch as it did not appear that Mr. Webster had any authority from Lord Listowel to do the acts to which the inquiry was now directed.

The Committee decided the question might be put.

642. Mr. *Hildyard*.] Did you do so in consequence of directions received from Dr. Webster?—Yes.

643. Committee.] That is, you put it down to another account?—Yes.

644. Mr. *Hildyard*.] To what account did you put it down?

Mr. *Leahy* objected to the question, and referred to Mr. Chambers's book in the case of Webb, and contended that before this question could be put, it was necessary that the Committee should determine that the agency of Dr. Webster had been established.

[The Witness withdrew.

Mr. *Hildyard* was heard in answer to the objection, and referred to the case of Felton v. Easthope, and to Roscoe's Book on Evidence.

Mr. *Leahy* was heard in reply.

The committee-room was cleared.

After some time the counsel and parties were again called in, and informed by the Chairman that the Committee had decided that the question might be put.

Mr. Robert Galer was again called in; and further Examined by Mr. *Hildyard*, as follows:

645. To what account did you put it down?—To the committee.

646. What committee?—I put it down in that way because I did not know in what name.

647. Committee.] To whose committee?—Lord Listowel's.

648. Mr. *Austin*.] Do you mean you put it down to Lord Listowel's committee?—Yes; I did not put any committee down on the slate.

649. Mr. *Hildyard*.] Do you mean to say you did not in words put it down to Lord Listowel's committee, but to "the committee"?—Yes.

650. Whose friends frequented the Red Lion during the canvass?—Mr. Listowel's.

651. You mean Lord Listowel?—Yes.

Cross-

Cross-examined by Mr. Leahy.

Mr. Robert Galer.

25 March 1841.

652. Was there anybody with Mr. Webster at the time he came to the Red Lion?—Only those he brought in to have something to drink.

653. Lord Listowel was not there?—No.

654. You say you gave drink to several persons who did not pay for it?—Yes.

655. Is that anything uncommon at elections at St. Alban's?—I never knew Mr. Webster do it before.

656. You stated, I think, in answer to a question by an Honourable Member of the Committee, you put no name upon the slate?—No.

657. You entered it to "the committee"?—I meant it for Lord Listowel.

658. There were no words but "to the committee," and you left it so?—Yes.

659. *Committee.*] Did you transfer it from your slate to any book?—No, I did not; I believe the landlord did when he got well.

660. Mr. *Hildyard.*] What is the landlord's name?—John Ivory.

[The Witness withdrew.]

*Robert Adams* was called in.

Mr. *Hildyard* stated that he understood from Mr. Austin that he intended to object to any question being put to the witness which assumed the agency of Mr. Webster to have been proved; and it had been agreed between them that the discussion upon the question of that agency should now be raised upon the assumption that a question had been put to the witness involving the offer of a bribe by Dr. Webster.

*Robert Adams.*

Mr. *Austin* proceeded to argue in support of his objection, that no evidence had yet been given to prove that Dr. Webster was the agent of Lord Listowel, and contended that it was necessary that the evidence laid before the Committee should be of such a nature as to lead the Committee inevitably to the conclusion that he was an agent; that he admitted that if the evidence before the Committee was of such a description to induce the Committee to infer that Dr. Webster was the lawful agent of Lord Listowel before or since the election, it might induce the Committee to come to a conclusion that he was his agent also for unlawful purposes; but as the charge upon this occasion was of a description involving consequences of a penal nature, it was necessary that the evidence should be of the most strict and cogent nature, and he contended that the declarations of the party attempted to be proved to be an agent, were not evidence to affect a third party, and referred to the Dumfermline case in 1st Peckwell; the Cricklade, the Penryn, the Cirencester, and the Oxford cases.

Mr. *Hildyard* was heard in answer to the objection, and recalled to the attention of the Committee the various facts proved in evidence, tending to establish the agency of Dr. Webster, and referred to the case of *Felton v. Easthope*, and also a case tried at the Gloucester Assizes before Lord Kenyon, referred to in a note in the Oxford case, and contended that a *prima facie* case of agency had been established.

Mr. *Austin* was heard in reply, and recapitulated the decisions in the cases to which he had already called the attention of the Committee.

[Adjourned to To-morrow, Eleven o'clock.]

*Veneris, 26<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

The Names of the Committee were called over ; all the Members present.

The *Chairman* requested that Mr. Hildyard would put into writing the question assumed to be put to the witness, upon which the point of agency was yesterday raised and discussed. Upon an intimation being made to the Committee, that Robert Adams, when called in yesterday, had not been sworn,

*Robert Adams* was called in ; and having been sworn, was Examined, as follows :

*Robert Adams.*

26 March 1841.

661. *Committee.*] YOUR name is Robert Adams?—Yes.

662. You live at St. Alban's?—Yes.

663. You are a voter for the borough?—Yes.

664. What are you?—A cabinet-maker.

Mr. *Hildyard* stated that the question he proposed to put to the witness was the following question : "On Monday, the day of nomination, did you see Dr. Webster, and did he give you any money to vote for Lord Listowel?"

The Committee-room was cleared. After some time, the Counsel and parties were again called in, and informed that the Committee had come to the following resolution : "That this question be not now put."

*John Woodward* was called in ; and having been sworn, was Examined by Mr. *Hildyard*, as follows :

*John Woodward.*

665. I BELIEVE you are a master carpenter living at Hatfield?—Yes.

666. Did you go to St. Alban's on Friday, the 5th day of February last?—Yes.

667. Is there a band at Hatfield?—Yes.

668. Who is the leader of that band?—I am.

669. With what object did you go to St. Alban's?—For the purpose of getting an engagement, if I could, for the band.

670. Do you know the house of Mr. Maylard?—Yes.

671. Where is it?—Opposite the Red Lion, near to the pump.

672. That is in the High-street?—Yes, I believe it is.

673. About six o'clock in the evening, were you at Maylard's house?—Yes, between five and six ; about that time.

674. What is Maylard's?—He sells clothes, and keeps a tailor's shop ; he sells shoes and ready-made clothes.

675. Did you find that there were election proceedings going on at Maylard's house?—No, I did not then.

676. Did you find it when you got there?—Yes, I found it when I got in.

677. You found his house was let for the purposes of the election?—

Mr. *Austin* objected to the question.

The question was waived.

678. Did you find persons going in and out of Maylard's?—Not whilst I was there.

679. Did you say anything to Maylard, as to the object that brought you to St. Alban's?

Mr. *Austin* objected to the question.

[The Witness withdrew.

Mr. *Austin* was heard in support of his objection.

Mr. *Hildyard* was heard in answer to the objection.

Mr. *Cockburn* was heard in reply.

After deliberation, the *Chairman* stated that the Committee had decided that the question be not put.

*John*

*John Woodward* was again called in ; and further Examined, as follows :

*John Woodward.*

Mr. *Hildyard* inquired whether the Committee meant that he could not ask the question whether, in point of fact, the conversation took place.

26 March 1841.

The *Chairman* stated that the question might be asked whether the witness had a conversation with Maylard.

680-1. Had you a conversation with Maylard?—When I entered the house,——

682. Do not tell us what he said ; you had a conversation with him?—Yes.

683. In consequence of what passed between you and Maylard, did he go into a back room behind the shop?—

Mr. *Cockburn* objected to the question.

The *Committee* suggested that the first words of the question should be omitted.

684. Mr. *Hildyard*.] Immediately after your conversation with Maylard, did Maylard go into the back room?—Yes.

685. Did he return to you?—Yes.

686. Did he say anything to you ; I do not ask you what?—Yes.

687. Immediately after he spoke to you, did you go into the back room?—Yes.

688. Who did you find in that back room?—Edwards.

689. Is that Henry Edwards, a clerk at Mr. Muskett's bank?—I do not know that he is a clerk there.

690. Henry Edwards?—Yes.

691. Mr. *Cockburn*.] Do you know his christian name?—Yes.

692. Henry Edwards?—Yes.

693. *Committee*.] You found Henry Edwards there?—Yes.

694. Mr. *Hildyard*.] Was he alone, or was any one with him?—No ; there were two or three more with him.

695. Did you propose to Mr. Edwards to hire your band?—Yes.

[The Witness withdrew.

Mr. *Cockburn* objected to any examination as to what passed between the Witness and Mr. Edwards, inasmuch as Mr. Edwards had not yet been proved to be the agent of the sitting Member.

Mr. *Hildyard* was heard in answer to the objection, and contended that he was now about to do what he was told yesterday he had not done in the case of Dr. Webster, namely, to prove the agency by innocent acts ; that he was about to show the agency of Mr. Edwards, by showing he did, on Lord Listowel's behalf, engage the band at Hatfield.

Mr. *Cockburn* was heard in reply, and stated that the objection was not so much taken to this particular question as to the line of examination to which it was evidently a precursor ; and the ground of his objection was, that no sufficient connexion had been shown between the sitting Member and Mr. Edwards, to authorise the Committee to allow the question to be put.

After deliberation, the *Chairman* stated that the Committee had decided that the question might be put.

*John Woodward* was again called ; and further Examined by Mr. *Hildyard*, as follows :

696. Did you propose to Edwards to hire your band?—Yes.

697. Will you tell us what passed between you and Edwards when you so proposed to him to hire your band, with respect to the hiring of the band?—Mr. Edwards asked me if I had come to engage the band ; I said " Yes." He said, " How many would you want ? Eight," he said, " I think will do." I said, " No, 10." He said, " Well, 10." He said, " What would you want for the 10 " I said, 40*l.* for the three days." He said, " You go out and come in in a little while, and I will give you an answer."

698. Did you go again?—Yes.

699. About what time?—In about half an hour afterwards.

*John Woodward.*

26 March 1841.

700. Did you go to the same room in which the former interview had taken place?—Yes.

701. Did you find any one standing at the door of the room?—Yes, there was a man standing there.

702. Did you enter the room?—Yes.

703. What passed between you and Edwards when you entered the second time?—Edwards said, "I have altered my mind from three days to two, and I can get the men from London for 12s. a day;" and I said "He might go and get them, for I would not do it." He made a pause, and I said I would not do it under 20l. and the answer he made me was, "I will give you it."

704. Did anything that was said inform you —

Mr. Cockburn objected to the question.

The question was waived.

705. Mr. *Hildyard*.] He said he would give you it?—Yes.

706. What passed upon that?—He said "You are to be over at eight o'clock on Monday morning." I said, I would.

707. Did you, in consequence of that, come with your men on Monday morning?—Yes.

708. Had Edwards directed you where you were to come?—No.

709. Had he mentioned the hour?—Eight o'clock.

710. At what time did you arrive at St. Alban's?—About five minutes past nine.

711. Where did you go to?—The White Horse.

712. Did you there receive any colours?—Yes.

713. What colours were they?—Orange, pink, and red.

714. Do you know what the colours were of Mr. Cabbell at the election?—Blue.

715. What were the colours of Lord Listowel?—Orange, pink, and red.

716. Did you play on the Monday with your band?—Yes.

717. Tell us generally how you were employed; in what way?—We commenced playing about a quarter before 10; we paraded the different parts of the town, according to our opinion, where we thought it best to go; we played till the evening.

718. Had you followers?—Oh, yes, there were followers at times.

719. Were you near the hustings?—No,

720. Did you play again on the Tuesday?—Yes.

721. After the poll on Tuesday, when the result of the poll was known, did you see Edwards again?—Yes.

722. Had you any further conversation with him respecting your band?—Yes.

723. What was it?—He said, "We are going to chair;" and I said I should expect something extra for playing.

724. What did Mr. Edwards say to that?—He said, "I will satisfy you."

725. Did he direct you where to go?—No.

726. Where did you go?—We went in front of the Town-hall.

727. Was there a procession?—There was lots of people there.

728. Were you with the procession?—Yes.

729. Did you go round when the chairing took place?—Yes.

730. Playing "See the Conquering Hero comes," and all those other sort of tunes?—Yes.

731. Were you in front of the procession or behind it?—There were a great many behind us and before us.

732. Where was the carriage?—Behind us.

733. You were in front of the carriage?—Yes.

734. How far was the carriage from you?—I cannot tell.

735. What instruments had you, a drum?—Yes.

736. Making a very great noise, no doubt?—Yes.

737. Can you say how far you were from the carriage?—No, I cannot say that.

738. Did you afterwards go to the bank for Mr. Edwards?—Yes.

739. What was your object in seeing Mr. Edwards?—I wanted my money.

740. *Committee*.] You afterwards went to the bank for Mr. Edwards, you say?—Yes.

741. Do

741. Do you mean that you went with a message for him, or to see him?—To see him. *John Woodward.*
742. You were not sent there by him, you went there to meet him?—Yes. *26 March 1841.*
743. Mr. *Hildyard*.] Did you find Mr. Edwards at the bank?—No.
744. In consequence of what was told you at the bank, did you go to the Woolpack?—Yes.
745. Was Mr. Edwards at the Woolpack?—No.
746. Did you leave a message at the Woolpack for Mr. Edwards, stating where you would be found?—Yes.
747. Where did you say you would be found?—At the Crown tap.
748. Did you go to the Crown tap and wait there?—Yes.
749. After you had been there about half an hour did any one come for you?—Yes.
750. Who was it?—A boy.
751. Did that boy deliver a message to you?—Yes.
752. Did you in consequence of that message go to the Woolpack?—Yes.
753. I think it was to the Woolpack you have already stated you were directed to go for Mr. Edwards when you were at the bank?—Yes.
754. When you were there did any person come to you to the Woolpack?—No.
755. Did you find any person there?—Yes.
756. What was the whole sum; had you arranged with Mr. Edwards for the whole sum you were to be paid for the two days and the extra sum for the charring?—No.
757. You had arranged with him for the two days?—Yes.
758. You had also arranged with him you should be paid something extra for the charring?—Yes.
759. Did the person who you found at the Woolpack pay you a sum of money?—Yes.
760. Did he when he paid it explain on what account?—
761. Mr. *Cockburn*.] This was not Mr. Edwards?—No.

Mr. *Cockburn* objected to the question, because it was put with the intention of proving the statement of a person of whom the Committee knew nothing.

[The Witness withdrew.

Mr *Hildyard* was heard in answer to the objection.

Mr. *Cockburn* was heard in reply, and stated that he might have objected to the previous question as to the act done by this anonymous person, but that he was not aware of the extent to which the examination was intended to be carried, but he contended that it was impossible the Committee could allow the present question to be put, the object of which was to elicit the declaration of a person of whose name even the Committee were ignorant, and who was not shown to be employed in any way by or connected with the sitting Member.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had decided that the question could not be put.

*John Woodward* was again called in; and further Examined by Mr. *Hildyard*, as follows:

Mr. *Hildyard* inquired whether the Committee meant by their decision to state he was not to be allowed to ask what passed so far as to show from whom the person brought the money; whether he might ask, Did he state, when he paid you the money, from whom he brought it?

The *Chairman* stated to Mr. *Hildyard* that he had better put the question, and see whether any objection was taken to it.

762. Mr. *Hildyard*.] When he paid you the money, did he say from whom he had brought it?—

[The Witness withdrew.



*John Woodward.*

26 March 1841.

Mr. *Leahy* objected to the question.  
The *Chairman* stated that this appeared to the Committee pretty much the same question as had been just put.

*John Woodward* was again called in ; and further Examined, by Mr. *Hildyard*, as follows :

763. What was the sum that was paid to you ?—£. 25.  
764. How many men had you employed ; the Hatfield men first ?—Nine.  
765. *Committee.*] Nine Hatfield men ?—Yes.  
766. Mr. *Hildyard.*] Had you two extra men ?—Yes.  
767. *Committee.*] Besides the nine ?—Yes.  
768. Mr. *Hildyard.*] St. Alban's men you picked up ?—No.  
769. Men not belonging regularly to your band ?—No ; nine Hatfield men, one St. Alban's, and two extra.  
770. *Committee.*] You had 12 altogether ?—Yes on the last day.  
771. Does that include yourself ?—Yes.  
772. Mr. *Hildyard.*] In what notes was that 25*l.* paid ?—Mr. Muskett's bank.  
773. Did you change them at the time and pay your men ?—Not all of them.  
774. Have you any of them now ?—No.  
775. You took no memorandum as to the numbers ?—No, none at all.  
776. Did you ever make any further application to Mr. Edwards for the payment of your band than that you have mentioned to us ?—No.  
777. Does Mr. Edwards owe you anything in respect of your band ?—No.  
778. *Committee.*] Mr. Edwards owes you nothing for that job ?—No.  
779. Mr. *Hildyard.*] Did you ever receive from Mr. Edwards directly any payment in respect of that employment ?—Nothing at all.  
780. Did you ever see Mr. Edwards on the subject of your band more ?—No.  
781. Did you ever play before the George ?—No, not particular ; no more than passing by.

Cross-examined by Mr. *Cockburn*.

782. You gave notes and took notes ?—Yes.

Then you may go back to Hatfield, we do not ask you any questions.

- 783-4. *Committee.*] Had you ever any other account of any kind with Mr. Edwards ?—No ; Mr. Edwards did not pay me.

[The Witness withdrew.

*Thomas Osborne* was called in ; and having been sworn, was Examined by Mr. *Talbot*, as follows :

*Thomas Osborne.*

785. WHAT is your business ?—I am not engaged in business.  
786. I understand you have some profession ; are you not a schoolmaster ?—No, I am not.  
787. You have no particular employment ?—I have not at this time.  
788. Were you at the last election at St. Alban's ?—I was.  
789. In what capacity did you act there ?—I acted voluntarily.  
790. In what capacity ?—As a friend.  
791. In what capacity ?—As a friend.  
792. That is not the question ; did you act in any capacity ?—No, nothing more than my own free will.  
793. That is not the question, and you must perceive that it is not.—  
794. *Committee.*] As the friend of whom ?—The friend of Lord Listowel.  
795. Mr. *Talbot.*] Are you a voter ?—No, I am not.  
796. Did you act in any capacity at the election ?—I employed myself at the hustings.  
797. Having told me you did employ yourself, have the kindness to answer my question, in what capacity ?—As a check-clerk.  
798. You did not understand the previous question ?—No, I did not.  
799. That you swear ; you did not understand me when I asked you before in what capacity you acted ?—No, I did not.  
800. You checked the poll-clerks as the voters came up ?—Yes.  
801. That is what check-clerks do ?—Yes.  
802. Did you act alone in one compartment of the hustings ?—No, there were others in that compartment.

803. Others ?—

*Thomas Osborne.*

26 March 1841.

803. Others?—One other.

804. What was his name?—Baker, I believe; I think so.

805. He was a check-clerk on the other side?—No, he was on the same side as myself.

806. On the same side of the hustings, or the same side of the question?—The same side of the hustings.

807. But of the other side of the question?—Yes, he was, I believe.

808. Was there any other check-clerk acting on behalf of Lord Listowel, but yourself?—I do not know.

809. Take as much time as you please, and tell me whether you cannot recollect whether there was any other check-clerk acting on the same side of the question, and on the same side of the hustings with yourself?—I do not know that there was any one acting there as a check-clerk.

810. How did you act as check-clerk?—By taking down the voters' names as they came to the poll; at least there was a printed book.

811. A copy of the registry, I dare say?—I believe it was.

812. As they came up to the poll, you wrote in that?—Yes.

813. A long printed book?—Yes.

814. Of considerable size?—Yes.

815. Divided into halves?—Yes.

816. Did you see any other gentleman holding a book of that sort and acting as you did, except Mr. Baker?—I saw Mr. Hare.

817. Who is Mr. Hare?—He is employed by Mr. Storey as one of his clerks.

818. He was the poll-clerk, I believe?—Yes.

819. Was there any other gentleman acting as a check-clerk besides yourself and Baker?—I saw no one else.

820. I believe part of the duty of a check-clerk is now and then to send off despatches with the result of the last 10 minutes, and so on?—Yes.

821. Had you acted as check-clerk before at previous elections?—Oh, yes, several times.

822. And on the same side?—Invariably.

823. Did you fulfil that part of the duty of a check-clerk in sending off despatches?—I sent no despatches myself.

824. Did nobody at your part of the hustings send off despatches with the state of the poll?—I believe there was.

825. Have you any doubt of it?—No.

826. Have you anything more to say in answer to the question?—There were people employed to take the despatches from the hustings; there were people there to do so.

827. From whom did they receive the despatches they took?—I do not know.

828. Did you observe?—They took them chiefly from the poll-clerk, I think.

829. Do not let us have any thinking; it is not so long since you told us it was part of the duty of the check-clerk to send off despatches of the state of the poll; did you do so?—I sent no one.

830. Did you send off pieces of paper you tore out of your book to give the information?—No, I did not.

831. Do you mean to say you kept your book entire to the end?—I kept the book to myself.

832. Did you not take extracts from it?—No, I did not.

833. Did you not tear the leaves out?—No.

834. From whom did the people get the information that they took?—I do not know who they got the information from.

835. Just mention one of those who went?—A person of the name of Humbles. No, I am wrong there, I believe; Marston, I think, is the name.

836. *Committee.*] He took the despatches?—I think he did.

837. *Mr. Talbot.*] Did you, from time to time, communicate with him?—No, I did not.

838. Were the despatches conveyed on paper?—Not that I am aware of.

839. How came you to know the fact that he did take despatches?—I saw him; I believe he had a book, a small book.

840. Was he there all the time?—Not all the time.

841. What

*Thomas Osborne.*

26 March 1841.

841. What means had he, so far as you know, of ascertaining who had polled in his absence?—I do not know where he got his information.

842. At previous elections, I believe, you have acted——

Mr. *Cockburn* objected to anything relating to previous elections.

843. Mr. *Talbot*.] When you have acted as check-clerk, and you say you have acted so repeatedly, has it not been part of your duty repeatedly to send off the despatches in slips?—I might have done so.

844. Have you done so?—

Mr. *Cockburn* objected to any evidence relating to what had been done at former elections.

845. Mr. *Talbot*.] You were kind enough to tell me when you came into the box you acted quite voluntarily?—Yes.

846. You did so?—Yes.

847. What do you mean by that?—Of my own free will.

848. Did you walk on to the hustings and say I am a volunteer?—No, I did not.

849. Was there a place set apart for check-clerks?—Yes.

850. Were other parties excluded from that part, under the direction of the mayor?—

851. Mr. *Cockburn*.] Did you hear the mayor give any directions?—No, I did not.

852. Mr. *Talbot*.] Did you see any parties intrude themselves into the check-clerks' place but yourself and the other check-clerk?—No,

853. When you presented yourself for admission in the morning, who let you in?—I went in; I walked in.

854. Not having had any previous communication with any body?—None.

855. You walked into the check-clerks' place without having any communication with any one, is that so?—Yes.

856. From whom did you get the book you used—(*the Witness hesitated*)—Now, Mr. Osborne?—I am sure I do not know.

857. Is that the answer by which you wish to abide before this Committee; you that are a volunteer?—I believe the book was at the hustings.

858. This happened some five or six weeks ago: I am not satisfied with belief; I must know where you got that book?—I am sure I cannot call to mind who gave it to me or where I found it: I do not know where I got it from.

859. That you mean to state, do you, that you do not know where you got the book in which you wrote upon that day?—I do not know the person who gave it me.

860. A stranger, perhaps; a volunteer?—No.

861. Do you remember the fact of having received it from some man or woman?—The book was given to me, but by whom I cannot state.

862. When?—I proceeded with it to the hustings.

863. Where from?—I carried it with me.

864. Where from?—I believe it was given into my hands in the street.

865. Before you got into the street you must have been in some house, where was it?—It was at the Crab-tree.

866. That is a public-house?—Yes.

867. Did you breakfast there?—I believe I did.

868. You breakfasted there on the morning of the election, did you?—Yes.

869. Is that one of Mr. Kinder's houses?—I believe it is.

870. Did you breakfast alone?—Yes.

871. You did quite alone?—Yes.

872. *Committee*.] What do you mean by one of Mr. Kinder's houses?—

Mr. *Talbot*.] Belonging to him.

873. *Committee*.] He is a brewer?—

Mr. *Talbot*.] Yes.

874. Mr. *Cockburn*.] Do you know that it is one of his houses?—No.

875. Mr. *Talbot*.] Having breakfasted alone, you went into the street and fell in with this poll-book?—Yes.

876. I want to know from whom you got it?—(*the Witness hesitated*)—I cannot recollect who gave it me.

877. Perhaps

877. Perhaps I can refresh your recollection; do you know Henry Edwards? *Thomas Osborne.*  
—Yes.

878. I mean Henry Edwards, who is clerk and cashier, and what not, at Mr. Muskett's bank?—Yes, I know him. 26 March 1841.

879. Did you see Edwards on the morning of the election?—I think I did.

880. After breakfast, or before breakfast?—After breakfast.

881. On your way, therefore, from the Crab-tree to the poll?—Yes.

882. Did you receive the book from him?—No.

883. You are confident as to that?—Yes.

884. How come you to be so sure if you do not know from whom you received it?—I am certain I did not receive it from him.

885. Then, perhaps, having excluded him from the rest of the world, you can tell me from whom it was you did receive it?—I really cannot tell.

886. Who did you meet between the Crab-tree and the hustings besides Edwards?—I do not know; I met a great many people.

887. Had you any conversation with anybody between the hustings and the Crab-tree?—I went home from the Crab-tree before I went to the hustings.

888. Did you see Edwards at your house?—No.

889. Where was it?—In the street.

890. Did you speak to him?—I dare say I did; I passed the time of day to him.

891. You said, "It is just eight o'clock"?—No.

892. You said, "Good morning"?—Yes, "Good morning."

893. That was all that passed?—Yes.

894. You did not receive the book at that time?—No.

895. Where was the book at that moment; had you received it previously?  
—Yes.

896. At your own home?—Yes, I believe it was at home.

897. Now you see, having breakfasted at the Crab-tree, and having gone home, and having there got your check-book, I wish to know who brought it to your home; you cannot forget that?—I do not know who brought it home.

898. Do you know whether it was a man, or woman, or child?—It was a man.

899. How long were you there?—About five or 10 minutes.

900. How many men called there during those five or 10 minutes?—One man.

901. This one individual?—Yes.

902. Where did he find you?—At home; at least this person was there when I got home.

903. Where was he in your house?—I believe he was in the kitchen.

904. A stranger sitting in the kitchen?—No, not a stranger.

905. You can have no difficulty in telling me who it was?—Mr. Richardson.

906. Has that occurred to your recollection since I first began to ask you who gave you the check-book?—Yes.

907. That you swear?—Yes.

908. You swear you recollect it now, and did not recollect it five minutes ago?—Yes, I swear it.

909. What is Mr. Richardson's christian name?—Thomas.

910. What is he?—A straw-hat-maker.

911. *Committee.*] We understand that Thomas Richardson is the person who brought you the poll-book you afterwards took to the hustings?—Yes.

912. *Mr. Talbot.*] When you told me just now you got it in the street, that was a mistake?—Yes.

913. An involuntary one, not a voluntary one?—Yes, an involuntary one.

914. How lately had you seen Henry Edwards before this morning, when the election commenced?—I had not seen him when I went home.

915. That was not my question; perhaps you did not understand me; how long was it before the election; you say you passed the time of day with him on the morning of the election?—Yes.

916. When had you seen him before that?—On the previous evening.

917. Where?—I do not know indeed where; in various parts of the town.

918. We will have one or two of them; now, come Mr. Osborne?—I cannot particularise any place.

Thomas Osborne.

26 March 1841.

919. Do you mean to tell the Committee, on your oath, you cannot tell any one place where you had seen Edwards on the night before the election?—  
I had met him in several places, in different parts of the town.

920. Reason the more for telling me one?—I believe I saw him at the George.

921. No belief; have you any doubt?—No, I have not.

922. Where was it?—I do not know precisely in what situation, in what room.

923. Yes, you do; was it up stairs or down stairs?—Down stairs.

924. I told you you knew; being down stairs, what part of down stairs?—  
I saw him in the gateway, I believe.

925. Upon that occasion, did you speak to him?—No, I did not speak to him.

926. Did you not speak to him at all on that evening?—Not that I am aware of.

927. Take as much time as you please to think, and tell me if you will swear you did not converse with Edwards on business that evening?—No, I did not.

927\*. Not anywhere?—No, I did not.

928. Not at the George, or anywhere else?—No.

928\*. Are you intimate with him?—Not particularly.

929. How long have you known him?—From a child; we were school-fellows together.

929\*. School-fellows, and town-fellows since?—Yes.

930. Meeting most days?—No.

930\*. On the same side of the question?—Yes, invariably.

931. Had you seen Edwards when you acted as check-clerk on former occasions?—

Mr. Cockburn objected to the question.

The question was waived.

931\*. Mr. Talbot.] I ask you now, did not Edwards tender you employment as check-clerk at this election?—No.

932. That you swear?—Yes.

932\*. Do you know Mr. Blagg?—Yes.

933. He is the town-clerk, is not he?—Yes.

933\*. Now, I repeat the question; were not you employed as check-clerk by Edwards, on the part of Lord Listowel, at the last election?—No.

934. By whom were you employed?—By no one.

934\*. Acted without remuneration entirely?—Yes.

935. To whom did you communicate your intention of so acting before?—  
To no one.

935\*. Did you find any other person prepared to fulfil the duty of check-clerk at the hustings when you went there in the morning?—(No answer.)

936. Did you find any other competitor for your office in the morning on the part of Lord Listowel?—No.

936\*. Can you account for the fact of the check-book being sent to your house?—No other than having always acted in that capacity, it was supposed I should take the same situation again.

937. By whom?—By the party generally.

938. Did you ever previously act without remuneration?—Yes.

939. How often?—On two occasions.

940. When were they?—The two last elections.

941. And have never been paid since?—No.

942. Never?—No.

943. Did you see Mr. Blagg on Monday the 15th of February?—I do not recollect seeing him on that day.

944. Have you seen Mr. Blagg since the election?—Several times.

945. Have you upon any occasion conversed with him?—No.

946. You do not meet Mr. Blagg without talking to him?—Yes, frequently.

947. Not invariably; are you acquainted with him?—Not particularly.

948. Am I to understand you to say that you have had no conversation with Mr. Blagg since the election?—I do not recollect any.

949. I must try to refresh your recollection again; have you not told Mr. Blagg

Blagg that you were employed by Edwards to act as check-clerk on the last election?—

Thomas Osborne

[The Witness withdrew.

26 March 1841.

Mr. Cockburn objected to the question, on the ground that you cannot call a witness for the purpose of discrediting him; that if you choose to call a witness you must stand or fall by his evidence; that you cannot call witnesses to contradict him; and that the evidence could not affect Lord Listowel, because it was something that was said in his absence.

Mr. Talbot was heard in support of the question and in answer to the objection, and submitted, that whether the question or the answer was one that could affect Lord Listowel in his absence was a matter for subsequent consideration; that he admitted the general principle, that he was not in a condition to call witnesses to discredit the witness he had called, but that the rule was, that if you had reason to expect that a particular fact relevant to the issue would be proved, and that the witness came and said directly the contrary, you had a right to call witnesses to prove that the witness had admitted that fact which you expected him to prove.

Mr. Cockburn was heard in reply.

The Committee decided that the question could not be put.

Mr. Thos. Osborne was again called in.

Mr. Austin stated he had nothing to ask the witness.

[The Witness withdrew.

The Rev. Philip Vincent Coleman was called in; and having been sworn, was Examined, by Mr. Hildyard, as follows:

950. I BELIEVE you are a dissenting minister, living at St. Alban's?—Yes.

951. Are you a voter at St. Alban's?—Yes.

952. For whom did you vote at the last election?—For Mr. Cabbell.

953. Have you got a note of invitation; will you look at that paper (*handing one to the Witness*); did you receive that note?—Why, sir, I received it certainly, but it was not immediately sent; I cannot say how it came to me; I was in my bed, but it was left at my house for me, that was how it came to me.

954. On what day did you receive it?—On what day?

955. If you can recollect, if you will look at the date, that will suggest it to you.—Distinctly, I cannot say.

956. Was it after the vacancy occurred?—Yes, I will probably explain it; I had been invited to attend Mr. Cabbell, to go about upon the canvass, and it was the day after that; it was the morning following.

957. That will make it the Friday morning?—Yes; I merely looked at it, I took no more notice.

958. Will you tell me whether that invitation has got a signature at the bottom of it?—It has.

959. Do you know the hand-writing of that signature?—I do.

960. Whose hand-writing is that signature in?—That I shall tell you in a moment; it is Mr. Edwards's.

961-2. Mr. Henry Edwards?—Mr. Henry Edwards.

963-4. A clerk at Mr. Muskett's bank?—Yes.

965-6. Does that profess to be signed by him?—As well as I can ascertain, it is H. Edwards.

967-8. Look at the back of it also; to whom is it directed?—Addressed to the Reverend V. P. Coleman; to myself, I understand.

969. Whose hand-writing is the direction?—That is certainly in Mr. Edwards's hand-writing.

970-1. Will you look at the hand-writing of these several notes (*handing several papers to the Witness*)?—I think these two (*selecting two notes*) appear to be in Mr. Edwards's writing, and this one also, probably; but I will not be positive.

972-3. Is it your belief that these notes are addressed by Edwards, to the best of your belief and judgment?—Really I will not enter into that; I am

Rev.  
Philip V. Coleman.

Rev.  
*Philip V. Coleman.*

26 March 1841.

positive of my own, but the other I will not say much about ; I would think as to the other ; I am positive of my own.

974-5. In your opinion, whose hand-writing is the hand-writing on these three notes?—

Mr. *Austin* objected to the question as being inconsistent with the rule universally pursued upon subjects of this nature.

Mr. *Hildyard* was heard in answer to the objection, and referred to Roscoe's book upon Evidence, upon the proof of hand-writing, page 92.

Mr. *Austin* was heard in reply.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had decided that the question could not be put.

The Rev. *Philip Vincent Coleman* was again called in ; and further Examined by Mr. *Cockburn*, as follows :

976-7. In the direction of the note they have transposed the initials of your name?—Yes.

978-9. Are you often addressed in that way?—Yes, sometimes.

980-1. When I asked you as to your belief in regard to the hand-writing upon those three notes, do you make any difference ; are you able to express a belief, aye or no, as to those three notes : take one note in your hand—are you able to express your belief, aye or no, of the hand-writing of that note?—To the best of my belief, that is in the hand-writing of Harry Edwards.

982. *Committee.*] How is it addressed?—To “Edmund Wood.”

983. Mr. *Hildyard.*] Take another ; what answer do you give with respect to that one you now hold in your hand, as to your belief?—To the best of my belief, on looking at this particularly, I also think this is the same.

984. *Committee.*] How is that addressed?—To “Mr. M. Hale,” or “Hall.”

985. Mr. *Hildyard.*] Look at the third ; what answer do you give to the same question as to that?—The answer I would make to this, certainly, I am not satisfied about.

986. Will you read that note that was addressed to yourself, and signed by Henry Edwards?—

987. Mr. *Austin.*] Let me look at it?—

(*It was handed to Mr. Austin.*)

[The Witness withdrew.

Mr. *Austin* objected to the note addressed to the witness being read in evidence, on the ground that Mr. Edwards, whose name was signed to it, had not been proved to be the agent of Lord Listowel ; and until that was done, any verbal or written declaration of Mr. Edwards could not be given in evidence, although any act done by him might be, and referred to Roscoe on Evidence.

Mr. *Hildyard* was about to address the Committee, in answer to the objection, but was stopped by the Chairman, who stated that the Committee were of opinion that the paper might be put in and read.

The note was read, addressed to the Reverend V. P. Coleman :—  
“Sir,—You are respectfully requested to meet the Earl of Listowel's committee at breakfast, at the George Inn, this morning at nine punctually. Yours, H. Edwards, St. Alban's, February 5, 1841.”

Mr. *Hildyard* stated that the others were the same circulars addressed to other parties, without a signature, and therefore need not be read.

The Rev. *Philip Vincent Coleman* was again called in ; and Cross-examined by Mr. *Austin* :

988. Are you a clergyman of the Church of England?—No.

989. Of what denomination?—I call myself an English Presbyterian, in contradistinction to the Church of Scotland ; in the body that we belong to, we have no confession of faith but the Bible.

990. I do not want to go into that?—I thought you wanted to discuss the question.

[The Witness withdrew.

*John Brooks* was again called in; and having been sworn, was further  
Examined by Mr. *Hildyard*, as follows :

*John Brooks.*

26 March 1841.

991. I BELIEVE you are a grocer at St. Alban's?—Yes.  
992. Did you act as a tally-clerk at the polling-both, in the compartment  
A. to K.?—Yes.  
993. You acted on the part of Mr. Cabbell?—Yes.  
994. Did you see Mr. Henry Edwards in the booth on that morning?—Yes.  
995. Mr. Edwards, we have been told, is not a voter?—I believe he is not.  
996. About what time was it you saw Mr. Edwards in the booth?—When  
I first saw him, it was between nine and ten in the morning.  
997. Do you recollect a person of the name of Hardy, a carrier, coming up  
to the poll?—Yes, I remember his polling.  
998. Was Mr. Edwards in the booth then?—When Hardy came in?  
999. Yes.—I believe he was.  
1000. Do you remember Hardy refusing to take off his hat before he took  
the bribery oath?—I remember he refused to take off his hat to take the bribery  
oath.  
1001. Did he, in consequence, leave the booth without voting upon that  
occasion?—Yes, he did.  
1002. Was he brought again to the booth to be polled?—Yes, he was  
brought again some time afterwards.  
1003. Was objection made to his polling, on the ground that he had before  
presented himself, and had refused to take the bribery oath, and was not then  
polled?—Yes, it was.  
1004. Did that man afterwards poll?—Yes.  
1005. Who did he poll for?—Lord Listowel.  
1006. Then, I imagine that the party who objected to him would be Mr.  
Cabbell's party?—Some one on Mr. Cabbell's behalf; I do not know who.  
1007. When objection was made on Mr. Cabbell's behalf to his polling, the  
mayor was present?—Yes.  
1008. Did any one on behalf of Lord Listowel contend he was entitled  
to be polled?—Yes.  
1009. Who was that?—Mr. Edwards.  
1010. Mr. Henry Edwards?—Yes.  
1011. Was there a discussion before the mayor upon the subject?—Yes.  
1012. Did the mayor investigate the facts with respect to this voter?—He  
came and listened to the statement made.  
1013. Mr. Edwards was contending before the mayor he was entitled to  
vote?—Yes.  
1014. What was the mayor's ultimate decision?—He asked the poll-clerk —  
1015. Mr. *Austin*.] What was his decision?—His decision was that he was  
entitled to vote.  
1016. Mr. *Hildyard*.] And he did vote?—Yes, he did vote.  
1017. Was the bribery oath put to every person in your compartment before  
he was entitled to vote?—Yes.  
1018. To every individual?—Yes.  
1019. On both sides of the question?—To every one who polled.  
1020. Did Hardy make an objection to taking the oath?—Yes, he did in  
the first instance.  
1021. What did Mr. Edwards say when Hardy objected to taking the  
oath?—

Mr. *Austin* objected to the question.

The question was waived.

1022. Mr. *Hildyard*.] Did he address the voter when he was refusing to  
take the oath?—Yes, he did.

1023. Did Mr. Edwards tell the voter that unless he——

Mr. *Austin* objected to the question so far as it had gone, because it  
was framed in such a way as to incorporate within it words that had been  
uttered by Mr. Edwards, who was not yet proved to be an agent of, or in  
any way connected with Lord Listowel.

Mr. *Hildyard* was heard in answer to the objection.



*John Brooks.*

26 March 1841.

A Member of the Committee inquired whether Mr. Hildyard insisted upon the form of his question.

Mr. *Hildyard* stated that he did not, but would frame his question in this way, "Upon the voter refusing to take off his hat when the bribery oath was tendered, did Mr. Edwards say anything to him?"

Mr. *Austin* stated that that question would raise the whole discussion of Mr. Edwards's agency; and he asked Mr. Hildyard whether he was prepared to go into that question now?

Mr. *Hildyard* replied, certainly not; that he was not assuming that Mr. Edwards's agency was proved, but was tendering this evidence as part of the means by which he was seeking to prove it.

Mr. *Austin* proceeded to argue in support of the objection to the proposed question, on the ground that nothing said by Mr. Edwards was evidence until his agency was proved.

Mr. *Hildyard* was heard in answer to the objection, and stated that the answer to the question was material to establish the agency.

Mr. *Austin* was heard in reply, and stated that the question for the Committee to decide was, not whether the answer to the question would be material, but whether the answer was admissible.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had decided that the question could not be put.

*John Brooks* was again called in; and further Examined by Mr. *Hildyard*, as follows:

1024. *Committee.*] Is Hardy a quaker?—Not that I know of.

1025. Mr. *Hildyard.*] Did Hardy take off his hat ultimately?—Yes.

1026. When he returned the second time?—Yes, the second time; the first time he would not take it off.

1027. Do you remember a voter of the name of Hurst coming to the poll?—Yes.

1028. Was he a very old and infirm man?—Yes.

1029. Was he brought up in one of Hayward's chaises to the outside of the hustings?—Yes.

1030. Were there persons in the chaise with him and on the chaise with him?—There were several persons on the chaise; I did not notice any one in it.

1031. When the mayor asked Hurst for whom he voted, did any of the persons about the chaise, or in the chaise, interpose?—Yes.

1032. Did the mayor direct those persons to leave the chaise?—Yes.

1033. Was there left near the voter a person of the name of Simpson?—Yes.

1034. Was Simpson the deputy-mayor?—Yes.

1035. Did Mr. Edwards apply to the mayor to have Simpson removed from the voter?—He did.

1036. Is there a person of the name of Langridge, a voter, at St. Alban's?—I know Langridge, and believe he is a voter.

1037. Is he a partisan; did he take an active part in the last election, to your knowledge?—I saw him out several times, but did not see him do anything particular.

1038. Do you know on whose side he was exerting himself?—For Lord Listowel's party; I believed him to be so; I do not know.

1039. Did you see Langridge come into the booth and give anything to Mr. Edwards?—Yes.

Mr. *Austin* objected to the form of the question.

1040. Mr. *Hildyard.*] Did you see Langridge come into the booth?—Yes.

1041. What did he do when he came there?—He brought in a list and gave it to Mr. Edwards.

1042. After that, was there a man of the name of Burgess there also?—He was in the booth at that time.

1043. Is Burgess a voter?—Yes, he is.

1044. Who did he vote for?—Lord Listowel.

1045. Was

*John Brooks.*

26 March 1841.

1045. Was Burgess an active partisan at the elections?—He generally is.
1046. *Mr. Austin.*] Was he at that election?—Yes, I considered Burgess one of the committee, if there was a committee.
1047. *Mr. Hildyard.*] When this list was given to Mr. Edwards, what did Langridge, Burgess, and Mr. Edwards, do?—Langridge said this—
1048. I do not ask what he said, but what he did?—They consulted together in a corner of the booth.
1049. As the voters afterwards came up and polled for Lord Listowel, did you see Mr. Edwards do anything?—He drew his name across this piece of paper.
1050. His pen?—His pen I mean.
1051. Do you mean he drew it across the whole paper or across particular names?—As far as I could see he drew it across particular names; I was not very near.
1052. As the particular voters came up you saw him make a cross upon the paper?—Yes.
1053. When the voters came up and polled for Lord Listowel was my question?—As they came to the poll, I believe it was to all who polled.
1054. *Committee.*] Across the paper as the voters came up to poll?—Yes.
1055. *Mr. Hildyard.*] How long did Edwards remain in the booth?—I did not see him leave after that till after the election was over.
1056. During the poll, between twelve and one, did you hear Mr. Edwards give any directions for anything to be brought?—No, I did not.
1057. Do you understand my question; did you, between twelve and one, hear Mr. Edwards give directions for anything to be brought to the booth?—No.
1058. Was refreshment brought to the booth?—Yes.
1059. Do you know by whose direction that refreshment was brought?—No, I do not.
1060. Did you ever hear Mr. Edwards give directions for voters to be brought up?—On one occasion I did.
1061. Who did he give those directions to?—A person of the name of Richard Gutteridge.
1062. Who came up after that direction was given; what voters do you know?—Gregory, a stone-mason.
1063. Who did Gregory vote for?—Lord Listowel.
1064. Did Gutteridge bring up other voters?—I frequently saw him outside the carriage when the voter was in.
1065. What carriage was it?—Hayward's carriage, a post-chaise.
1066. Who did the voters brought up in Hayward's carriage vote for?—Lord Listowel.
1067. Did any one in the booth thank the voters on behalf of Lord Listowel when they gave their votes?—Yes, sometimes.
1068. Who?—I remember Mr. Edwards thanking the voters occasionally.
1069. On Lord Listowel's behalf, when the voters polled?—When the voters polled.
1070. Where did Mr. Edwards chiefly stand?—On the form behind the poll-clerks.
1071. Was Mr. Edwards throughout the day taking an active part in the booth?—Yes.
1072. Do you remember the Orange band passing by the booth at the time the polling was going on?—Yes.
1073. Did it create a distraction in the proceedings?—It did not stop them.
1074. Did it interrupt the proceedings?—It caused confusion in the front of the hustings.
1075. Upon that did the mayor make an appeal to Mr. Edwards?—Yes, he did.
1076. After that appeal of the mayor to Mr. Edwards, did the Orange band pass again before the hustings?—Not till after the poll was closed.
1077. *Committee.*] Was Lord Listowel present in the booth during the time of polling?—The greater part of the time.

[The Witness withdrew.

[Adjourned till To-morrow, Eleven o'Clock.

*Sabbati, 27<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

The Names of the Committee were called over ;—All present.

*John Brooks* was again called in ; and having been sworn, was Cross-examined by Mr. *Austin*, as follows :

*John Brooks.*

27 March 1841.

1078. I THINK you said you were at the hustings on the day of the election ?—Yes.

1079. How were the hustings made ; did they occupy a large space ?—Yes, a largeish space.

1080. Were they full ?—No, not all the time ; sometimes they were nearly full, and sometimes nearly empty.

1081. *Committee.*] Were the votes taken in the same building that the hustings were erected in ?—Yes.

1082. Mr. *Austin.*] You say, sometimes they were very full ?—Sometimes nearly full, and sometimes nearly empty ; I never saw them quite full.

*(A model of the polling booth was produced.)*

1083. Were the hustings clear during the day ?—Never cleared.

1084. I suppose there was considerable noise, was there not ?—Occasionally, in front of the hustings.

1085. I am speaking of the polling day ?—Yes.

1086. People speaking all at once ?—There was great confusion occasionally.

1087. I think you said something about a man of the name of Hardy being brought up to the poll ?—Yes.

1088. Who kept his hat on ?—Yes.

1089. Was there much noise when he came up at that time ?—I did not remark much confusion, except the argument that took place.

1090. You mean they were arguing all together ?—Two or three speaking at once.

1091. On all sides ?—On both sides.

1092. Addressing the mayor ?—Mr. Edwards addressed the mayor.

1093. Did anybody else address the mayor ; recollect now, will you ?—Mr. Ablett, the poll-clerk, answered a question to the mayor.

1094. Did they address the voters, or did they address the mayor ?—I do not recollect any one else addressing the mayor but Mr. Edwards, and Mr. Ablett answering a question.

1095. You said there were two or three speaking on one side and the other ; were they addressing the voters, or who were they addressing ?—They seemed to be addressing each other.

1096. Talking at each other, and with each other ?—Yes, at each other.

1097. Was that the only time in the course of the day that this happened ?—That the argument happened ?

1098. No, that this sort of confusion happened.—I do not recollect any other particular time ; occasionally the mayor was appealed to.

1099. Did this sort of confusion happen at any other part of the day ?—All those arguments took place two or three times in the course of the day, similar to it.

1100. Was there the same confusion upon those occasions ?—Very similar.

1101. Noisy talk ?—Yes, rather.

1102. Things were not conducted with the eminent decency with which they take place here ?—No.

1103. More noisy ?—Yes.

1104. Did Mr. Edwards seem to know this Hardy the voter ?—Yes.

1105. He seemed to know him ?—Yes.

1106. I think you say there was a man of the name of Langridge there also ?—I did not notice him at that time.

1107. I did not ask you that ; you say there was a man of the name of Langridge at the hustings ?—In the course of the day I saw him.

1108. You

*John Brooks.*

27 March 1841.

1108. You saw a great many persons on the different sides of the question?—  
Yes.

1109. Whom you had previously seen canvassing with the candidates?—I scarcely saw the parties canvassing at all.

1110. You saw people about the town during the election?—Yes.

1111. You say you did not see them canvassing; you saw them about the town; were people of all sorts about the hustings on the polling-day?—Yes.

1112. Backwards and forwards?—Yes.

1113. There was some interest in the town as to the result of it?—We all felt anxious; the whole town.

1114. Did you feel anxious?—Yes.

1115. Which side did you feel anxious for?—I felt anxious that Mr. Cabbell should win.

1116. You were very anxious?—Not very anxious; I did not take particular interest in it.

1117. You were anxious he should win?—Yes.

1118. You have always taken that side?—Yes, and my father had before me.

1119. And you inherit his predilections?—Yes.

1120. Were you at the hustings for a considerable time during the day?—I was there nearly the whole time.

1121. You took in it interest enough for that?—I was one of the clerks.

1122. *Committee.*] You acted as a tally-clerk?—Yes.

1123. *Mr. Austin.*] You say somebody spoke to the mayor on the other side of the question, when Hardy refused to pull off his hat?—Mr. Ablett answered the question of the mayor.

1124. *Committee.*] Was he the poll-clerk?—Yes.

1125. *Mr. Austin.*] On your side?—Yes.

1126. *Committee.*] You were not employed by the mayor; you were employed by Mr. Cabbell, on his side?—I merely made up the tally-books for Mr. Cabbell.

1127. *Mr. Austin.*] Which side of politics was the mayor; your side, or the other?—He has always been on our side; but, of course, on this occasion he had no vote, or he did not vote.

1128. To which party does he belong, your's or the other?—To the Conservatives.

1129. That is to say, to your side?—Yes.

1130. Mr. Ablett, you say, was the poll-clerk?—Yes.

1131. Do I understand you to say he addressed the mayor?—No, he merely answered a question from the mayor.

1132. Was there nobody who argued on that side?—I did not hear any one address the mayor but Mr. Edwards.

1133. There were no persons, like two counsel, addressing the mayor, one on each side?—No; talking to each other.

1134. Mr. Edwards said something to the mayor, and Mr. Ablett answered a question put by the mayor?—Yes.

1135. Here are two entrances to each part, where the voters went into poll?—Yes.

1136. Did the voters on the opposite side come in at the same door, or different doors?—They all came in at the same door.

1137. Do you call them the Blue and Orange?—Yes.

1138. Did the Blues and Oranges all come in at the same door?—Yes.

1139. They all got in as well as they could?—Of course they only came in one at a time; there was not room for more than that.

1140. Then the voters on either side came up with their several friends, I dare say?—Sometimes they were brought up, and sometimes they came alone.

1141. Does that remark apply to both sides?—Yes, to both sides.

1142. Did you see many voters accompanied by people on both sides?—Occasionally the band brought up voters in a kind of procession.

1143. Did their friends come up with them?—Yes.

1144. Were there many of those friends?—There was always a great crowd; I could not distinguish who they were.

1145. Then, so far as I understand you, the voters on both sides came up in the same manner during the day?—Yes.

1146. I think you said that Mr. Edwards thanked some voter as he came up to poll?—He thanked voters several times.

*John Brooks.*

27 March 1841.

1147. Did any other person thank voters on that side?—I do not remember hearing any person.
1148. Did any person thank any voters on your side?—Several parties.
1149. Tell me who?—I remember Mr. Fairthorn.
1150. Who else?—I remember Mr. Osbaldiston.
1151. Anybody else?—I recollect Mr. Aubrey Bowen thanking some.
1152. Do you remember whether there were several others besides those three?—I cannot say that I recollect any one else.
1153. Did you attend particularly to those proceedings?—No.
1154. It was your casual observation?—Yes.
1155. You were busy taking down the names of the voters?—Yes; when I had no voters to set down, then I heard what was going on.
1156. I think you said Lord Listowel was at the poll during the day?—The greater part of the day.
1157. And Mr. Cabbell there?—Yes.
1158. Were they standing together?—They stood on the platform together.
1159. Is that usual at St. Alban's?—Yes.
1160. Did not those gentlemen thank the voters?—Occasionally they did.
1161. Sometimes Lord Listowel and sometimes Mr. Cabbell?—Yes.
1162. Did they take any other part in the proceedings than that?—I did not see them.
1163. Then so far as I understand you, they seemed to have behaved to the voters in the same way on the hustings on the opposite sides?—Yes.
1164. Had you attended the St. Alban's elections before?—Yes.
1165. In the same capacity?—No.
1166. You had been at the hustings?—Yes.
1167. At the last election before this?—Yes.
1168. At the election before that?—Yes.
1169. Did you see the candidates then occupying the same position and thanking the voters in the same way?—Yes.
1170. So far as your experience goes, that has always been the plan at that place?—Yes, it always has.

Re-examined by Mr. *Hildyard*.

1171. Take the model in your hand and turn it towards the Committee.—(*The Witness exhibited the model.*)
1172. Mr. *Austin*.] You say that Mr. Edwards was there; when was it that this Hardy came up?—He came up twice.
1173. What time of the day?—I cannot remember the time.
1174. The poll begins at eight?—Yes.
1175. It closes at four?—Yes.
1176. At what time between those hours did he come up?—I cannot remember; I had no watch with me.
1177. Was it in the morning part, or the afternoon part?—I think he came up first in the morning, and afterwards in the afternoon.
1178. Had you seen Mr. Edwards there before in the course of the day?—Yes.
1179. How often?—Several times.
1180. How long will you undertake to tell the Committee he was upon the hustings during the day?—I cannot say; he was in and out.
1181. Will you undertake to say he was there half an hour between those hours?—Yes.
1182. How long?—He frequently came in and went out; I was not aware I was going to be questioned in this way, and I did not take any particular notice.
1183. What I want from you is according to the notice you did take?—I should say altogether he was there four hours during the day.
1184. Will you undertake to say that?—As nigh as I can recollect.
1185. Will you undertake to say he was there four hours?—As near as I can recollect.
1186. How long will you undertake to say he was in the polling-booth together at any one time?—I cannot state any particular time.
1187. I want to know as near as you can remember?—I should think he was never in the booth more than half an hour together.
1188. Will you undertake to swear he was in the booth for a quarter of an hour in any single instance?—Yes, I will.

1189. You

*John Brooks.*

27 March 1841.

1189. You understand the question?—Yes.

1190. When?—He was there more than a quarter of an hour between the time the mayor spoke to him about the band and the close of the poll.

1191. That was the time when the hustings were pretty full?—Yes.

1192. Have the goodness to tell the Committee whether at any other time he was there for a quarter of an hour together?—I do not remember any particular time.

1193. *Mr. Hildyard.*] But, according to the best of your belief, he was there four hours altogether, between eight o'clock and four o'clock?—Yes.

1194. You see there is a platform projected at the front of the hustings, with railings on both sides?—Yes.

1195. Was that the place where the mayor stood?—Yes.

1196. Was he capable of turning first to one compartment, and then to the other compartment, as he might be required?—Yes.

1197. Where did Lord Listowel and Mr. Cabbell stand?—On the same platform.

1198. Together with the mayor?—Yes.

1199. There are benches, I see, between the compartments?—Yes.

1200. There is a sort of table upon which the poll-clerks, I imagine, wrote?—Yes.

1201. Then there is a seat for the poll-clerk to sit upon?—Yes.

1202. Then there is a bench behind the poll-clerks?—No more than the seat upon which they sat.

1203. *Committee.*] So that the poll-clerks were raised rather above the ground?—Yes.

1204. *Mr. Hildyard.*] In what part of the polling-booth was Mr. Edwards chiefly?—On the seat which the poll-clerks occupied; he stood there.

1205. So that when he stood on that seat, he was on nearly the same elevation with the mayor: there was no great difference between the height of his head and the mayor's head?—Yes, there was.

1206. How high would the place be, at which the mayor was compared with the hat of a person standing on that seat?—I should say, there were four feet difference.

1207. So that the mayor, and any person standing with the mayor, must necessarily hear what was addressed to them from a person standing in that place?—Yes.

1208. Who else stood chiefly upon that bench; I do not mean on any particular occasions, but to whom was that bench chiefly confined?—There was scarcely any other person besides Mr. Simpson and Mr. Edwards, that I recollect; occasionally a person came and stood there.

1209. But they did not permanently take their stations there?—No.

1210. Who is Mr. Simpson?—Mr. Simpson acted as the mayor's deputy.

1211. Where did you take your station?—On that bench.

1212. *Committee.*] Which side were you on?—From A. to K.

1213. The right-hand side of the mayor?—Yes.

1214. The voters whose names began with the different letters of the alphabet from A. to K., voted on this side of the mayor, and the others of the other side (*pointing to the model*)?—Yes.

1215. Which side were you?—On the right hand of the mayor.

1216. On the same side with Mr. Edwards?—Yes, part of the time.

1217. Did you stand up on the form, or did you sit up to the desk?—We stood up to write; the seat was not high enough.

1218. Did Mr. Edwards stand upon the bench put for your seat?—Yes; not the board put for us to stand upon.

1219. *Mr. Hildyard.*] Was he standing upon that bench when he addressed the mayor, when Hardy's vote was objected to, as you have stated?—Yes.

1220. You have already told me you believed no one else addressed the mayor on that side but Edwards?—I did not hear any one.

1221. You have mentioned the names of Fairthorn and Osbaldiston as persons who thanked the voters for Mr. Cabbell; are both those gentlemen professional men?—Yes.

1222. Solicitors?—Yes.

1223. There was one other person?—Yes; I heard Mr. Aubrey Bowen thank a voter upon one occasion; I think I do remember it.

219.

G

1224. *Committee.*]

*John Brooks.*

27 March 1841.

1224. *Committee.*] Is he a solicitor?—No.
1225. Where were Mr. Fairthorn, and Mr. Bowen, and Mr. Osbaldiston, when they thanked the voters?—They were on the hustings; Mr. Fairthorn was upon the platform upon one or two occasions, when he thanked the voters, where the mayor and candidates stood, and Mr. Bowen was on the hustings.
1226. You were on the further side?—On the right of the mayor.
1227. Where was Mr. Edwards when he came into the place where the poll-clerks were?—When he came on our side, he was on the side the right of the mayor.
1228. He was on both sides?—I do not know whether he went to the other side or not.
1229. He was, in the course of the day, on your side four hours?—Yes.
1230. On that side alone?—Yes.
1231. You said Mr. Edwards said something to the mayor, and the mayor said something to Mr. Ablett?—Yes.
1232. Was that when he was on your side?—Yes.
1233. Which side of the bench was Mr. Edwards standing on, the end next the mayor, or nearest the door?—He was rather more than half-way down towards the mayor from this door.
1234. Did you hear any other argument held in consequence of a disputed vote by any other person on the side of Lord Listowel, excepting Mr. Edwards?—No, I do not remember that I did hear any other argument on the part of Lord Listowel, except Mr. Edwards.
1235. Were there any other disputed votes, except in the case of Hardy?—His vote was not disputed, it was merely that he would not take the oath.
1236. That was the reason he was not permitted to vote?—He did vote.
1237. When he came up first, he refused to take the oath?—He was willing to take the oath, but would not take his hat off.
1238. There was no other refusal of taking the oath, but he would not remove his hat?—Not the first time.
1239. Did any one attempt to remove it for him?—I did not see any one attempt to do it.
1240. In what way was the argument held?—Several trying to persuade him to take his hat off, and he was obstinate, and would not do it.
1241. Did you hear any other vote disputed?—I heard a dispute as to Galer's vote.
1242. Who conducted it?—I think it was Mr. Blagg that objected to his vote.
1243. Who answered the objection?—I do not know; I was in the front of the hustings, and Galer could not come out of the carriage; he was ill, and a discussion took place outside of the hustings; I could not tell who took a part in the discussion.
1244. Galer would have voted on the other side?—Yes, if he had polled.
1245. Mr. Blagg objected to him, but you do not know who defended him?—No; there was a great crowd of persons, and a mob hallooing out; I did not take much notice.
1246. Mr. Blagg was the town-clerk?—Yes.
1247. Where was he situated?—He was outside of the hustings, but there was such confusion I do not know where he was.
1248. Where was Mr. Edwards?—I do not remember seeing him.
1249. Did you hear him defend Galer's vote?—I do not remember what took place upon it.
1250. You heard several gentlemen defending him?—There was a great many people talking, and there was great confusion and questions put to him, and he did not vote.
1251. By defending the vote, do you mean addressing the mayor; did Mr. Blagg defend the vote?—No, he objected to him.
1252. And there was some discussion, and it ended in Galer not voting?—Yes.
1253. You do not know who defended the vote?—No.
1254. Could you see where Mr. Edwards went when he went out of your compartment?—No.
1255. If he had stood up in the other portion, should you have been able to see him?—No; there was a very short space between the platform and the board that divided the two compartments; and to have seen at all, I must have got up and gone and looked through the boards.

1256. You

1256. You did not see him?—I just caught a glimpse of the people's heads occasionally.

1257. You did occasionally cast your eyes there?—Yes.

1258. You never saw Mr. Edwards there?—I did not.

1259. The mayor stood upon the platform?—Yes.

1260. And Mr. Osbaldiston was there, and Mr. Fairthorn?—Yes.

1261. And the candidates?—Yes.

1262. And other persons?—Yes.

1263. Official persons?—No, merely spectators.

1264. Were the candidates there during the greatest portion of the day?—The greatest part of it.

1265. Do you happen to know if Lord Listowel was there at the time that scene took place as to Hardy's voting?—I did not notice; I was attending to the dispute; I did not look up to see.

1266. Do you know a man of the name of Eagleton, a voter?—No, I do not; there may be a man of that name.

1267. If there was such a voter, would he not have voted on your side?—Yes.

1268. You do not remember a man of that name refusing to take the oath?—No, I do not.

1269. I understood you to say, at the hustings sometimes there were a great many people and sometimes a few, and that there was occasionally confusion, as there is upon all elections; but you say that Mr. Edwards addressed the mayor, and Mr. Ablett answered the mayor; upon what occasion was that?—Upon Hardy's voting.

1270. I understood you to say, that several persons were persuading Hardy to take off his hat?—Yes.

1271. Can you name who they were?—No, I cannot.

1272. There were several?—Yes, several people above, calling to him to take his hat off.

1273. You cannot remember who they were?—No, not particularly; I know persons from above kept calling to him to take his hat off, and he said he would not take it off for anybody.

1274. You did not know their names?—No.

1275. You say there was a person of the name of Hurst came up to poll, an old infirm man?—Yes.

1276. He came up in a post-chaise?—Yes.

1277. And you say the people interposed when the mayor asked a question?—Yes, they called out "Lord Listowel."

1278. That is what you mean by the people interposing?—Yes.

1279. Was it a very cold morning?—Very cold.

[The Witness withdrew.]

The Rev. *James Brogden* was called in; and having been sworn, was Examined by Mr. *Talbot*, as follows:

1280. I BELIEVE you are a clergyman of the Church of England?—Yes.

1281. Have you been professionally connected with St. Alban's?—I have been curate of the parish of St. Michael.

1282. For some time?—For about two years and three-quarters.

1283. Has that connexion now ceased?—Yes, it has.

1284. Were you at the election at St. Alban's that took place in February last?—I was.

1285. You had a vote?—Yes.

1286. You voted for Mr. Cabbell?—Yes, I did.

1287. Are you one of the gentlemen who required the bribery oath to be put to the voters?—I did; I signed the requisition.

1288. That requirement was made in writing?—Yes, it was.

1289. Were you admitted to the hustings?—Yes, I was.

1290. There is one aperture for voters from A. to K., and the other from K. to Z., and a stage in the middle?—Yes.

1291. Which we have heard was elevated about four feet above the place where the people coming in would stand?—Yes, about that.

219.

G 2

1292. Would

*John Brooks.*

27 March 1841.

*Rev. J. Brogden.*



Rev. J. Bridgen.

27 March 1841.

1292. Would there be any difficulty in any person hearing here what took place here (*pointing to different parts of the model*)?—Not the slightest.

1293. Just tell me the position you occupied at the hustings about 10 o'clock?—I was standing about there (*pointing to the model*).

1294. Upon the raised platform on the hustings?—I generally stood there upon the platform (*pointing to another part of the model*). I should more properly describe it, by saying the place where the two candidates stood.

1295. *Committee.*] On the projecting part?—Yes, when I was on the hustings I usually stood there,

1296. Mr. *Talbot.*] Where did the candidates stand?—The same place; the mayor stood in the centre of the projecting part, with Lord Listowel upon the left, and Mr. Cabbell upon the right; I stood rather behind Mr. Cabbell.

1297. What is the total area of the projecting space; what is the length outside of it; how many people could stand in front, leaning on the rail?—I should say about four; I should think, certainly, five would be very much crowded.

1298. Do you remember a person of the name of Adams coming up?—Perfectly.

1299. What time of the day was it about?—I can scarcely say; I should think about half-past 11; I should think so.

1300. Are you pretty positive it was before 12 o'clock?—Yes.

1301. In the forenoon?—Yes.

1302. Can you remember what was the position occupied by yourself and the candidates at the time that Adams came up?—As I have already described it.

1303. Where did Adams come into?—He came in at the door, and stood close up at the end.

1304. So that he would be next to Mr. Cabbell?—He was close to Mr. Cabbell.

1305. *Committee.*] Close under Mr. Cabbell?—Yes, close under Mr. Cabbell.

1306. Mr. *Talbot.*] Did Adams's appearance excite attention?—Attention appeared to me to be excited by his calling for the returning officer.

1307. He called for the returning officer, and attention was excited?—Yes.

1308. Was your attention, amongst others, excited?—Very much.

1309. Did you hear Adams make a statement?—I left my position behind Mr. Cabbell to go close, that I might see Adams, and hear all that he had to say.

1310. Did Adams make that statement in a loud tone of voice?—A very distinct tone of voice indeed, and in a very firm manner.

1311. In your belief, were those words uttered so as to be audible by Lord Listowel?—I should think so, to the best of my knowledge and belief.

1312. Had you, after Adams's statement was made, any conversation, or did you address any observations to Lord Listowel, that tended to strengthen your belief that Lord Listowel heard what passed?—I had a conversation with Lord Listowel.

1313. *Committee.*] With reference to what took place with regard to Adams?—Yes.

1314. Mr. *Talbot.*] Did what passed between yourself and Lord Listowel, after Adams's statement had been made, strengthen your belief that Lord Listowel heard what Adams had said?—It makes me certain that he must have heard it.

1315. Having stated that, have the goodness to tell me what Adams said?—

Mr. *Cockburn* objected to the question, as being wholly irrelevant to the present inquiry, and stated that the petitioners having failed in proving the agency of Mr. Webster, whatever Adams had said could not affect Lord Listowel, as Lord Listowel had only been attempted to be affected, so far as the case of Adams was concerned, through the agency of Webster; and contended that the present question was with the view to get rid of the resolution to which the Committee had already come, that the agency of Mr. Webster had not been proved.

Mr. *Talbot* was heard in answer to the objection, and stated that evidence of the kind which he was seeking to give was given every day in the courts of the country, in cases affecting life and property, and denied that he was attempting to evade the decision of the Committee, in the case of Mr. Webster, and stated that he was now in the progress of giving additional evidence of the agency of Mr. Webster, which he contended, under the

the previous resolution of the Committee, he was perfectly at liberty to give, and referred to the opinion of Mr. Justice Buller, in the Cricklade case, and to Rogers on Elections, volume 2, page 185.

Rev. J. Brogden.

27 March 1841.

Mr. *Cockburn* was heard in reply

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee were unanimously of opinion that the question be not now put.

The Rev. *James Brogden* was again called in.

Mr. *Talbot* stated that he proposed to ask the witness whether Lord Listowel's name was mentioned by Adams.

[The Witness withdrew.

Mr. *Cockburn* stated that this question involved the same point which the Committee had just decided.

The *Chairman* stated that any act done by Lord Listowel would be evidence.

Mr. *Cockburn* stated that the Committee decided, that what Adams said could not be given in evidence, and therefore any part of what he said could not be received.

Mr. *Talbot* was heard to contend that the question was admissible, notwithstanding the decision to which the Committee had just arrived, and stated that he intended to show that the charge against Mr. Webster was distinct, and that it was stated to forward the interests of Lord Listowel, and referred to the judgment of Lord Tenterden, in the case of *Felton v. Easthope*.

Mr. *Cockburn* was about to reply.

The *Chairman* stated that the Committee did not think it necessary to hear Mr. *Cockburn* in reply; that they were of opinion that the question could not be put: but with regard to the observation of Mr. *Talbot*, that a Committee of the House of Commons was the only place where bribery could be shut out from investigation, he was desired by the Committee to state, that they were as anxious as Mr. *Talbot* could be to have every fact introduced that could be introduced to establish the charge; but that, in their humble judgment, it should be introduced by legal evidence.

Mr. *Hildyard* stated that he was not in the slightest degree intending to evade the decision to which the Committee had come, much less was it his intention to make any remark upon the propriety of it, but he must say he did not understand the ground upon which the decision had proceeded, and therefore did not know the extent of it, and he did not know whether he should be evading their decision if the examination proceeded in this way; that he had always understood——

Mr. *Cockburn* objected to the course of proceeding now pursued by Mr. *Hildyard*.

Mr. *Hildyard* stated that he wished only to put himself right with the Committee; that the Committee had decided that what was said by Adams in the presence of Lord Listowel should not be given in evidence; he wished to ask whether the decision went to the extent that Adams should not be called to state what he did say in the presence of Lord Listowel.

The *Chairman* suggested to Mr. *Hildyard* to call Adams, and then the question might be put to him.

Mr. *Hildyard* stated that he would first put another question to the last witness.

The Rev. *James Brogden* was again called in; and Examined by Mr. *Hildyard*, as follows:

1316. You have already stated that a person of the name of Adams did come up and state something in the presence of Lord Listowel, or at least, so near to Lord Listowel that Lord Listowel must have heard it, in your judgment?—Yes.

1317. After that statement had been so made in Lord Listowel's hearing, did you make any remark to Lord Listowel?—I did.

219.

G 3

1318. What

Rev. J. Brogden.  
27 March 1841.

1318. What was it you said to Lord Listowel?—

1319. Mr. Cockburn.] Was it upon the statement which had just been made?—

Mr. Hildyard objected to Mr. Cockburn now asking any question of the witness; that he was to object to the question put or not.

[The Witness withdrew.

Mr. Cockburn objected to the question, inasmuch as it had reference to the statement before made; if it had not, it was wholly irrelevant; if it had, then was it admissible or not? if the conversation itself was not admissible, this question could not be.

Mr. Hildyard stated he would announce this general proposition to the Committee, which admitted of no exception, and had been acted upon as a fundamental principle of evidence, and which the Committee had already acted upon in this inquiry, that whatever was stated in the presence of a party to the suit, might be given in evidence against him.

Mr. Cockburn was heard in reply, and admitted the rule as stated by Mr. Hildyard, with this addition, that it must have reference to the suit, and to the issues to be tried in the suit.

The Committee decided that the question might be put.

The Rev. James Brogden was again called in; and further Examined by Mr. Hildyard, as follows:

1320. What was it you said to Lord Listowel?—I said “Here is purity of election and liberty of conscience.”

1321. Addressing yourself to Lord Listowel?—Addressing myself in a loud voice to Lord Listowel.

1322. Committee.] What distance were you from Lord Listowel?—As close as I am to this gentleman now (*close by*).

1323. Mr. Hildyard.] Did Adams, when he came into the hustings, bring anything with him previous to this conversation; when he first came did he bring anything with him in his hand?—Yes.

1324. What was it that Adams brought in?—A small paper parcel.

1325. What did he do with that small paper parcel?—He gave it to the mayor.

1326. When he gave it to the mayor, did he make a statement?—He did.

1327. After that statement was made, did the mayor open the parcel?—He did.

1328. Did you see what that parcel contained?—I did.

1329. What did that parcel contain?—

Mr. Cockburn objected to the question, because he considered it a part of the question that the Committee had already decided.

The Chairman stated that it was merely a fact that took place at the hustings.

The objection was withdrawn.

1330. Mr. Hildyard.] What did that parcel contain?—Two 5*l.* notes and two sovereigns.

1331. Are you able to say, what bank had issued those notes?—I saw the notes, and can state that.

1332. Mr. Cockburn.] Did you see the notes sufficiently near at that time as to be able to say?—I did.

1333. Mr. Hildyard.] Whose bank had issued those notes?—Mr. Muskett's bank.

1334. Committee.] Is he a banker at St. Alban's?—Yes, he is.

1335. The notes were from Mr. Muskett's bank?—Yes.

1336. Mr. Hildyard.] When the mayor received that parcel, and opened it, was Lord Listowel present?—Yes, he was,

1337. When the mayor had opened the parcel, did the mayor inspect the notes and sovereigns?—He did.

1338. What did the mayor say to Adams?—

Mr. Cockburn objected to the question, on the ground that it involved a proposition already discussed this morning; that if what Adams said was not admissible to affect Lord Listowel *à fortiori*, what the mayor said to Adams could not be evidence.

Mr.

Mr. *Hildyard* was heard in answer to the objection, and stated that this was a declaration in the presence of Lord Listowel, and also explanatory of the act done, and was therefore clearly admissible, and referred to Starkie on Evidence.

Rev. J. Brogden.

27 March 1841.

Mr. *Cockburn* was heard in reply.

The Committee-room was cleared.

After some time, the Council and parties were again called in, and informed that the Committee were of opinion that the question should be put, and that the answer given to the mayor's question might be received.

The Rev. *James Brogden* was again called in; and further Examined by Mr. *Hildyard*, as follows :

1339. What did the mayor say to Adams?—"What is this?"

1340. What answer did Adams give to this question?—"It is money."

1341. Mr. *Cockburn*.] When did the mayor ask that question; after Adams had delivered the parcel?—I think it was whilst the mayor had it in his hand.

1342. Before he had opened it?—Yes.

1343. "Where did you get this?"—No; "What is this?"

1344. How long will you undertake to say the mayor had it in his hand; two or three minutes?—Oh dear, no; instantly he said, "What is this?"

1345. I understand you it was not before he received the parcel, but afterwards?—He received the parcel and asked the question almost simultaneously, "What is this?"

1346. I understand he had got the parcel in his hand before he asked the question?—I think so; having the parcel in his hand, he seemed to hold it out, and said, "What is this?"

1347. Mr. *Hildyard*.] What did Adams say in answer to that?—"It is money; two 5*l.* notes and two sovereigns."

1348. Committee.] He said that?—Yes.

1349. Mr. *Hildyard*.] Go on with what he said; the whole answer.—"It was given to me"——

Mr. *Cockburn* objected to the evidence.

Answer.—I have only answered part of your question to me; I have not finished my answer to your question.

Mr. *Cockburn* objected to the evidence, and contended, that the declaration made, accompanying the act, must be illustrative of the act itself; whereas it was evident that the declaration about to be given in evidence had relation to a bygone transaction, and between other parties than those before whom the act was done.

Mr. *Hildyard* contended that the evidence was admissible, on the ground that it was explanatory of the act done, and was in the presence of Lord Listowel; and that Mr. *Cockburn* had no right to stop the answer in the middle of it.

Mr. *Cockburn* was heard in reply, and referred to the decision of the Committee upon the question "What did Adams say?" which the Committee had twice decided should not be put, and contended that this was another mode of getting out the same evidence, and submitted that this answer did not explain the act done.

A Member of the Committee inquired what the act was which the words of Adams were to explain.

Mr. *Hildyard* replied, that the act of delivering the money to the mayor in itself might be an irrelevant matter or most pertinent to the inquiry, and the declaration of Adams was to explain the act.

A Member of the Committee stated that the part of the answer which had been given was not objectionable, and inquired how Mr. *Cockburn* framed his objection.

Mr. *Cockburn* stated that it was evident, from the part of the answer which had been given, that it related to a bygone transaction.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee were of opinion that the witness should be allowed to proceed with his answer.

Rev. J. Brogden.

27 March 1841.

The Rev. James Brogden was again called in; and further Examined by Mr. Hildyard, as follows:

“It was given to me to vote for Lord Listowel, by Dr. Webster, the old man there in the crowd;’ pointing to him—to Dr. Webster.”

1350. Is that Dr. Webster the surgeon, of whom we have been speaking in this investigation?—Yes, a surgeon; he is called Dr. Webster; he is an old man.

1351. He has a son?—Yes.

1352. The voter said, “The old man there”?—Yes, “The old man there in the crowd,” pointing to him.

1353. Did you see Mr. Webster when he was so pointed out?—Yes I did; I turned round and looked him full in the face.

1354. Standing still in the same position?—Yes.

1355. Was it close by Lord Listowel?—Close by Lord Listowel; I turned round in this way (half-round,) in order to see him, because the side where he was polling was sideways, and I was obliged to turn half round to see him.

1356. *Committee.*] Just point out by the booth where you stood.—I was standing here on the platform.

1357. Where was Mr. Webster?—He was out in the crowd, a little inclined on the right-hand side.

1358. You turned round?—Yes, I turned round and saw Mr. Webster; it required very little turning, only my head almost.

1359. When Mr. Webster was so pointed out, and that declaration made, did Mr. Webster make any reply?—He did.

1360. What was it?—

Mr. Cockburn objected to the question.

The question was waived for the present.

1361. Was that reply perfectly audible to you?—Yes.

1362. Must it have been heard by Lord Listowel, in your judgment?—Certainly.

1363. What was said by Dr. Webster?—

[The Witness withdrew.

Mr. Cockburn objected to evidence of anything being said by any person not shown to be an agent of the sitting Member; that the Committee had determined that the statement of Adams could not be given in evidence except to explain the act of Adams, and until the agency of Mr. Webster had been shown; the principle that applied in the one case applied in the other, unless the Committee meant to rescind their resolution, and that the declaration of Mr. Webster could not be given in evidence until he was shown to be the agent of Lord Listowel.

Mr. Hildyard was heard in answer to the objection, and contended, that sufficient foundation was laid before the Committee to let in the answer of Mr. Webster, it being a part of the same transaction which had been already proved before the Committee; that it was said in the presence of Lord Listowel; and if the answer was allowed to be given, it would be seen, that the declaration of Mr. Webster directly implicated Lord Listowel; and that after the decisions to which the Committee had come, he apprehended it would be impossible for the Committee to prevent the rest of the transaction being disclosed.

Mr. Cockburn was heard in reply, and contended, that if the Committee received this evidence, it would be a rescinding of the resolutions to which the Committee had come on previous questions, deciding that the declaration of Adams could not be given in evidence until the agency of Mr. Webster was proved, and that the declaration of Mr. Webster stood precisely in the same situation as the statement of Adams.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had decided that the question might be put.

[Adjourned till Monday morning next, 11 o'clock.

*Lunæ, 29<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

The Names of the Members were called over;—All present.  
The committee-room was cleared.

The Reverend *James Brogden* was again called in; and having been sworn, was  
Examined by Mr. *Hildyard*, as follows:

*Rev. J. Brogden.*

29 March 1841.

1364. WHAT was said by Dr. Webster?—"Well, what of that? The other side are just as bad."

1365. You have already told us you made a remark to Lord Listowel; just repeat what remark it was you made?—"Here is purity of election and freedom of conscience."

1366. Was it after Mr. Webster had given his answer you made that remark to Lord Listowel?—It was; the words were, "Here is purity of election and freedom of conscience."

1367. Did Lord Listowel, upon your making that remark to him, say anything?—He did something, but he said nothing.

1368. What do you mean by saying he did something; what did he do?—Turned very pale, and his under-lip quivered.

Cross-examined by Mr. *Austin*.

1369. His under-lip?—Yes, this (*pointing to the under-lip*).

1370. How near were you standing to him at the time you made that observation?—Close by.

1371. Had you been talking to him before?—Yes.

1372. Had you been there the whole morning?—The greater part of the morning; I had offered him a rug; it was a very cold day.

1373. Were you excited at that time?—What do you mean by excited?

1374. I mean in your temper?—No, I hope not; I was indignant at such practices.

1375. Then, owing to your indignation, were you excited?—No.

1376. Did you make that remark in an excited tone, in a tone of indignation, or in an ordinary tone of voice?—I made it in an ordinary tone of voice; and receiving no reply, I afterwards made it two or three times in a louder tone.

1377. Did you repeat it louder and louder?—No, I do not think I did.

1378. Then, as I understand you, you repeated it four times?—Three or four times, I should say.

1379. Once, and two or three repetitions?—Yes.

1380. To which Lord Listowel returned no answer?—Upon which he grew very pale.

1381. To which he returned no answer?—No; he had answered a few previous remarks in our former conversation.

1382. They were ordinary remarks about what was passing?—Yes.

1383. Or it might be cold, or convenient, or what not, and directing your attention to the parties as they came up to the poll?—I was merely offering him a rug, and I offered him some refreshment.

1384. Did he take the refreshment?—No, he did not.

1385. I need hardly ask you; his manner was civil and polite?—Extremely so; he was a perfect gentleman.

1386. Did you talk to him after this observation of yours?—I think it was after, but I am not quite positive; I offered him the rug again; it was very cold.

1387. Did he accept it?—No, he said he could stand the cold.

1388. He said, I suppose, he was obliged to you, and did not want it?—Yes.

1389. You did not return to the conversation upon the purity of election?—No, there was a great interval.

1390. There was an interval of silence between you and him?—Yes.

1391. In fact there was no conversation about what was said to have taken place at the poll, between you and him?—No.

Rev. J. Brogden.

29 March 1841.

1392. There was a remark of yours, but no conversation?—There was the lip.

1393. No oral answer?—No.

1394. No oral answer by both the lips?—No.

1395. There was no conversation between you; no remark made by one and answered by the other, after the observation you made about purity of election and freedom of conscience?—There was, after an interval, in the course of the day.

1396. The next thing was the offer of a rug by you?—Yes, or it might be the offer of refreshment.

1397. Some immaterial conversation?—Yes.

1398. At the time you made this observation, were you turning towards Lord Listowel, or away from him?—Which observation?

1399. The observation about purity of election?—Towards Lord Listowel.

1400. Was his Lordship turning towards you?—He turned round when I spoke to him, and the gentleman sitting by your side was close by at the time, at the back of the booth; Mr. Coppock.

1401. After you had made the observation, did he remain in that position, or turn away from you?—He seemed confused.

1402. Did he remain in that position, or turn away; you say he turned round civilly to attend to what you had to say. After you had made the observation, did he remain in that position, or turn aside?—He turned away in confusion.

1403. Do me the favour to answer the question simply?—He turned away in an embarrassed manner.

1404. After you had made the observation, did he remain turned towards you, or did he turn away?—He neither turned distinctly away, or not; he seemed confused.

1405. I wish you would be so good as to tell me whether he turned away or not; can you tell me that?—I cannot tell you positively more than that I have said.

1406. Can you tell the Committee whether, according to your observation, after his under-lip quivered, and he turned pale and seemed confused, he turned away?—Indeed, I cannot recollect.

1407. Have the goodness to tell me what he did?—He turned his head away when his lip quivered.

1408. From you?—Yes.

1409. Did he not do that upon your making the observation the first time, when you said "Here is purity of election"?—I am not positive; I think it was the second time.

1410. Did you repeat the observation, then, very soon?—Yes.

1411. Very soon?—Yes.

1412. You said, "Here is purity of election and freedom of conscience; here is purity of election and freedom of conscience;" was that it?—A little slower.

1413. The second time he turned his head away?—I think it was the second time.

1414. May I ask you whether you were known on the hustings to be a friend on the opposite side?—I cannot tell; I had polled.

1415. Did Lord Listowel know which way you had polled?—I am sure I cannot tell.

1416. Did you know Lord Listowel previously?—His Lordship had called upon me, but I was not at home.

1417. You had not seen him in the town?—I had seen him walking about the town with Mr. William Cooper and Mr. Webster.

1418. On the canvass?—Yes.

1419. Had you been introduced to him?—No.

1420. You introduced yourself, as it were?—No, I did not; two or three of my friends shook hands with Lord Listowel, with whom I was, and we were all standing together and talking together, and my conversation began with my offering the rug, and wishing to be kind on a cold day.

1421. Did you talk to Mr. Cabbell also?—Yes.

1422. And appeared to be a friend of his?—I scarcely said much to Mr. Cabbell; very little.

1423. You had not known Lord Listowel before; had you ever seen him so closely as at that time?—Yes; in the town, several times.

1424. Is

Rev. J. Brogden.

29 March 1841.

1424. Is he a small dark-looking man?—A short man.

1425. A dark man?—Rather clear and pale complexion.

1426. Dark?—Yes, rather dark. He wore a white coat. This gentleman, whom I addressed as Lord Listowel, was pointed out to me by two or three gentlemen, who told me he was Lord Listowel. Lord Grimston and Lord Ingestre also shook hands with him.

1427. *Committee.*] When you were standing on the platform, did you wear any ribbon or favour?—No, certainly not.

[The Witness withdrew.]

*Robert Adams* was again called in; and having been sworn, was further Examined by Mr. *Hildyard*, as follows:

*Robert Adams.*

1428. WHERE do you live?—At St. Alban's.

1429. Have you any property in Buckinghamshire?—Yes.

1430. What is it?—It is a life annuity.

1431. To what extent?—About 15 l. a year.

1432. Have you also property of your own at St. Alban's?—Yes.

1433. What does it consist of?—Houses.

1434. How many have you?—Seven; eight at least.

1435. Have you also a vote in respect of your own occupation of a house?—I am a freeman.

1436. Do you remember the last election at St. Alban's?—Yes.

1437. On the day of nomination were you standing at Dr. Webster's door, in company with a person of the name of Stebbings?—Yes.

1438. Did Dr. Webster come up and speak to you?—Yes.

1439. What did Dr. Webster say?—He tapped me on the shoulder, and asked me if I would be with him, meaning of his party.

1440. Did you go into the house with Dr. Webster?—Yes.

1441. Was it in consequence of what Dr. Webster said to you, you went into the house?—Yes.

1442. Did Stebbings go in also?—Yes; I went in first, and he followed me.

1443. Is Stebbings a voter for the borough of St. Alban's?—Yes.

1444. When you got into the house, where did you go?—Into the surgery.

1445. In what part of the house is the surgery?—In the front.

1446. Where does it look upon?—Into the High-street.

1447. Is there a back surgery?—There is a back parlour.

1448. Were you ever in the back parlour with Dr. Webster?—Yes.

1449. You first went into the surgery looking into the High-street?—Yes.

1450. Were you alone when you went with Dr. Webster into the back room?—Yes.

[The Witness withdrew.]

Mr. *Austin* stated that he presumed Mr. *Hildyard* meant, by the course of his examination, to put some question to the witness intending to implicate Lord Listowel by the conduct of Dr. Webster; that he did not mean to object to any question yet put, but he trusted that Mr. *Hildyard* would not put any question to raise the point of agency without letting him know; that if he meant to raise the question of agency again, perhaps it would be better to do it at once.

Mr. *Hildyard* reminded the Committee that on a previous occasion it was proposed by Mr. *Austin* and himself to raise the question of agency upon a hypothetical question, but that the Committee objected to that course, and required a specific question should be put; but he promised Mr. *Austin* not to put a question which tended to raise the question of agency without apprising him of it.

The *Chairman* stated that the simple way would be for Mr. *Hildyard* to put the question, and for the witness to be told not to answer it until he was directed to do so.



Robert Adams.

29 March 1841.

*Robert Adams* was again called in; and further Examined by Mr. *Hildyard*, as follows :

The *Chairman* directed the witness to listen to the questions put by Mr. *Hildyard*, but not to answer them until he had the permission of the Committee to do so.

- 1451. Was Stebbings ever in the back room?—Yes.
- 1452. Was he there with Mr. Webster?—Yes.
- 1453. Did you or Stebbings go into the back room first?—Yes.
- 1454. Which?—Stebbing.
- 1455. Was he in the back room alone with Mr. Webster first?—Yes.
- 1456. Did you see Mr. Webster take him into the back room?—No; Mr. Webster was in the room; he went in to him.
- 1457. When Stebbings came out, did Stebbings do anything?—He showed me what he had got.

Mr. *Austin* objected to the course of examination, and insisted upon his right to object to any question tending to affect Lord Listowel by any act of Mr. Webster until the agency of Mr. Webster was proved; he stated that it was no doubt the object of the examination to prove corrupt acts on the part of Mr. Webster, but as Mr. *Hildyard* would not put a direct question to Mr. Webster to raise the point of agency, he was bound to object to the whole course of examination; that in this case he had no other duty to discharge but that of an advocate, and therefore he could not see why Mr. *Hildyard* should not put a direct question to the witness; but as he objected to do it, the only course left to him, Mr. *Austin*, was to object to the course of examination, and he did so upon the ground that the agency of Dr. Webster had not been proved; that the Committee had already decided upon the then state of things that the agency had not been proved, and that Mr. *Hildyard* must now contend that he had so added to the proof of agency, that the Committee must decide that that agency had been established; that he, Mr. *Austin*, contended that the only evidence which could be considered to strengthen the case of the agency of Mr. Webster was the evidence of Mr. Brogden, and he considered that that evidence was not material, and therefore the case stood precisely in the same position in which it did when the Committee had the point last discussed before them, and when they had decided the agency was not proved.

Mr. *Hildyard* was heard in answer to the objection, and contended that he had a right to proceed with this investigation, quite independently of the question of the agency of Mr. Webster, although he did not mean to admit that that agency was not established; on the contrary, he should address arguments to the Committee to show that it had been established, and referred to the case of *Felton v. Easthope*, the *Mitchell* case, and the *Penryn* case; and having referred to the different facts proved before the Committee, in conclusion contended that the agency had been proved, and he felt confident that the Committee would allow the proposed evidence to be given, and adjured them to consider the consequences which would result from its rejection.

Mr. *Austin* was heard in reply, and contended that till this moment he had never heard it disputed that agency must be proved before evidence of corrupt acts could be given to affect the sitting Member; and that if the Committee were to admit this evidence, it would be contrary to all the legal rules laid down upon the subject, and attended with the most fatal consequences.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had decided that the course of examination should be proceeded with, the Counsel stating that it is his intention to prove acts of agency by the act of bribery.

The *Chairman* also stated that he was desired to ask the Counsel for the petitioners, whether he wished to continue this course of examination for the purpose of proving the acts of agency through the act of bribery.

Mr.

Mr. *Hildyard* stated that that was one of the purposes of the examination.

*Robert Adams.*

Mr. *Austin* stated that it was necessary to have this stated distinctly ; that if Mr. *Hildyard* pledged himself to prove agency by means of the act of bribery, he took for granted that that was stated in his brief.

29 March 1841.

The *Chairman* stated that he took the answer of Mr. *Hildyard* to be to this effect, that he was proceeding to prove the agency by an act of bribery ; that it was necessary the Committee should have a direct answer to the question, and not a qualified answer ; and again read the resolution to which the Committee had come, and put the question to Mr. *Hildyard* whether he was now proceeding with this examination with a view, through the act of bribery, to establish agency.

Mr. *Hildyard* stated that he had already replied, that that was one of the purposes of the examination.

Mr. *Austin* stated that that answer would not do.

The *Chairman* stated, that before the resolution was come to which had been read, the Committee had come to another resolution, that the agency of Mr. Webster had not been proved.

Mr. *Austin* stated, that he thought it would answer all the purposes if the Committee would announce that resolution, and not the other.

The *Chairman* stated that the question had been submitted to the Committee in two forms, and that the Committee had deliberated and decided upon both of them, and come to the resolutions which had been read.

Mr. *Hildyard* stated, he supposed he was now to proceed with the examination.

Mr. *Austin* objected to Mr. *Hildyard* proceeding with the inquiry.

The *Chairman* stated that the Committee had merely come to the resolution, that upon the evidence before them, the agency had not been proved ; and then they had come to the resolution, that the course of examination should be proceeded with ; the Counsel stating that it is his intention to prove acts of agency by the act of bribery.

Mr. *Hildyard* stated that he was prepared to go on with the investigation, and to argue, if such an intimation had not fallen from the Committee, that by the further progress of this investigation he should strengthen the evidence of Mr. Webster's agency ; and that that was the view which had been taken in consultation this morning with Mr. Talbot and himself.

Mr. *Austin* stated that Mr. *Hildyard* had not answered the question of the Chairman, and therefore could not proceed with the examination ; that he merely proposed by the course of examination to strengthen the evidence of agency.

Mr. *Hildyard* was heard in answer to the objection.

Mr. *Austin* was heard in reply.

The *Chairman* directed Mr. *Hildyard* to proceed with his examination.

*Robert Adams* was again called in ; and further Examined by Mr. *Hildyard*, as follows :

1458. What did Stebbings show you ?—Two 5 l. notes and two sovereigns.

Mr. *Austin* stated that he did not waive any right to object to these questions, and that the Committee must not suppose that he did not believe that it was a most irregular question ; that he was placed in a most difficult position.

The *Chairman* stated that the Committee having learned persons before them to watch the proceedings, they could not take upon themselves the responsibility of deciding upon questions unless they were objected to.

*Robert Adams.*

29 March 1841.

1459. *Mr. Hildyard.*] Did you afterwards go into the back room you have spoken of?—Yes.

1460. Who was there in it when you went there?—*Dr. Webster.*

1461. Was there any one there but *Mr. Webster* and yourself?—No.

1462. Did *Dr. Webster* give you anything?—

*Mr. Austin* objected to the question.

[The Witness withdrew.

*Mr. Austin* was heard in support of the objection, and stated that as *Mr. Hildyard* would not state that what he was going to elicit from the witness would establish the agency of *Mr. Webster*, he could only object to the question in the usual form, and he must call upon the Committee to protect his client from having an act of corruption proved against him, the agency not being proved, and which could not have a tendency to prove the agency of *Mr. Webster*.

*Mr. Hildyard* was heard in answer to the objection, and contended that *Mr. Austin* was endeavouring to drive him into a position, which was a great grievance; that it was an attempt to make the Committee reverse the decision to which they had just arrived; that the Committee had decided that he was to proceed in the investigation as to what passed in this back room, if he undertook to say that he believed it would strengthen the proof of agency; that he, *Mr. Hildyard*, had already stated, that in consultation with *Mr. Talbot* it was believed that it would have that effect, and he had no doubt it would; and proceeded to argue upon hypothetical cases.

The *Chairman* suggested, that as the Committee had rather departed from the usual course in the admission of evidence, they would rather not hear hypothetical cases discussed, but cases that had in fact occurred.

*Mr. Hildyard* referred to the Cambridge and Ludlow cases.

*Mr. Austin* was heard in reply.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had decided that the question might be put.

*Robert Adams* was again called in; and further Examined by *Mr. Hildyard*, as follows:

1463. Did *Dr. Webster* give you anything?—Two 5*l.* notes and two sovereigns.

1464. What passed between you and *Dr. Webster* on that occasion?—He gave me them with the express purpose of voting for Lord Listowel; that was what passed.

1465. Tell us what *Mr. Webster* said when he brought you into the room.

[The Witness withdrew.

*Mr. Austin* objected to the question, and desired to know the extent to which the decision of the Committee had gone; that the Committee were now receiving evidence of acts done by *Mr. Webster* before the agency was proved; that he desired to know whether *Mr. Hildyard* was to be permitted to ask questions which he could only do upon the assumption of the agency being proved.

The *Chairman* stated, that what the Committee had decided was this, that up to a certain point the proof of the agency of *Mr. Webster* had failed; that then the Committee considered, that certain acts having been done by *Mr. Webster*, and those acts, supposing they were proved, being acts of bribery, they were bound to call upon *Mr. Hildyard* to state whether, by pursuing the course of examination as to the acts of bribery, he could by that means establish the agency; that the course of examination was gone into to show whether *Mr. Hildyard* was able by means of those acts of bribery to prove the agency of *Mr. Webster*.

*Mr.*

Mr. *Austin* recalled to the attention of the Committee that Mr. Hildyard had expressly declined to state that which the Committee had assumed.

*Robert Adams.*

29 March 1841.

The *Chairman* stated, that the Committee understood Mr. Hildyard to have stated, that he had every reason to suppose, from the evidence he should be able to adduce, that he could prove the agency through acts of bribery.

Mr. *Austin* stated, that according to his understanding of the matter, Mr. Hildyard had declined to make that statement, and he therefore felt his position to be a very hard one; that the Committee were now about to receive evidence to prove what passed between the witness and Dr. Webster to affect Lord Listowel, without the Committee having any guarantee from Mr. Hildyard that the acts this witness would prove would amount to evidence of agency; and he called upon the Committee to obtain that guarantee from Mr. Hildyard, or that he must object to every question as it was put.

Mr. *Hildyard*, in answer to 'the objection, contended that this point had already been decided twice by the Committee, and no argument or position had been advanced to induce the Committee to change their opinion; and again referred to the Ludlow case.

A Member of the Committee inquired whether Mr. Hildyard was now proceeding with the investigation, believing that the evidence would prove the agency.

Mr. *Austin* stated, that that was precisely the point upon which he was going to found his reply; that no assurance had been given by Mr. Hildyard that he believed this evidence would prove the agency, and that until that assurance was given the question ought not to be put, and the last two or three questions ought to be struck out.

Mr. *Talbot* was about to address the Committee.

Mr. *Austin* objected to Mr Talbot being heard, as the question of the Committee was addressed to Mr. Hildyard, and that the responsibility of conducting the case rested with Mr. Hildyard.

Mr. *Talbot* stated, that he took his share of the responsibility.

A Member of the Committee stated, that the Committee wished to know whether this examination tended to prove the agency.

Mr. *Hildyard* replied, that they thought it did, and that was the opinion of himself and Mr. Talbot in consultation.

Mr. *Talbot* stated, that Mr. Hildyard had been called upon to say, whether this course of examination, in his judgment, had a tendency to prove the agency of Mr. Webster; that it was their duty to consider this matter, and he had not the smallest hesitation in saying, so far as he was competent to understand the effect of evidence, if he was asked whether the solicitation of a voter by a party on behalf of a candidate, it being accompanied by a donation of money to secure the vote, was a proof of agency, he should say that a stronger proof of agency it was difficult to conceive.

Mr. *Austin* in reply, stated that Mr. Talbot had, with his candour and sincerity, put the question out of court; that his admission was merely that the solicitation of a voter, with the offer of a bribe, was proof of agency, which was not an answer to the objection he had taken; and submitted to the Committee that the last question could not be put, and that the last two or three questions should be struck from the Minutes.

The Committee deliberated.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had come to this resolution, "That the statement of Mr. Hildyard was a sufficient compliance with the resolution of the Committee, and that therefore the question might be put."

*Robert Adams.*

29 March 1841.

*Robert Adams* was again called in; and further Examined, as follows, by  
*Mr. Hildyard*:

1466. Tell us what Dr. Webster said when he brought you into the room?—He wanted to know what I wanted for my vote. I told him, 20*l.* He said he would give me the same that Mr. Stebbings had.

1467. Proceed?—That was 12*l.*

1468. *Committee.*] Did he say it was 12*l.*?—Yes.

1469. *Mr. Hildyard.*] What did you say to that?—He laid it down upon the table, and I took it up.

1470. In what sums was that 12*l.*?—Two 5*l.* notes, of Mr. Muskett's bank, and two sovereigns.

1471. Did he say anything when you accepted the money, when you took the money up?—I forget.

1472. As far as you remember, that was all that passed?—He gave me them to induce me to vote.

*Mr. Cockburn.*] Never mind that.

1573-4. *Mr. Hildyard.*] Did he say that?—I was to vote for Lord Listowel; those were the words.

1475. Had you seen Mr. Webster in the street the same day, previous to this?—Yes.

1476. On the Monday?—Yes.

1477. Tell us what passed upon that occasion?—He tapped me on the shoulder.

1478. What did he say?—He said that they had plenty of money if I would—

1479. If you would what?—If I would go on his side.

1480. Did you mention to any one that you had had that conversation with Mr. Webster; did you state to any one that Mr. Webster had seen you, and told you there was plenty of money on their side?—Yes.

1481. Whom did you mention it to?—To Mr. Wingrave.

1482. Is he a Blue, do you know; do you know which side Mr. Wingrave is?—The same side as myself.

1483. You are a Blue; blue is your colour?—Yes, and true blue, too.

1484. After you had mentioned that to Mr. Wingrave did you receive a message from Mr. Quin, or did you see Mr. Quin?—I saw Mr. Quin.

1485. Was it in consequence of what passed between you and Mr. Quin that you went towards Dr. Webster's house; was it in consequence of what passed between you and Mr. Quin that you went to Dr. Webster's house?—

*Mr. Cockburn* objected to the form of the question.

*Mr. Hildyard* supported the question.

1486. *Committee.*] Was it in consequence of anything that took place between you and Mr. Quin you went to Mr. Webster's house?—I went with the express purpose of taking—

1487. Why do you not answer the question; was it in consequence of anything that took place between you and Mr. Quin you went to Dr. Webster's house?—I do not recollect that.

1488. *Mr. Hildyard.*] When you had got the money, and this conversation had passed, you went away?—Yes; I went to take it to Mr. Quin, at the Verulam Arms.

1489. That was the place where the friends of Mr. Cabbell met?—Yes.

1490. Do you know a person of the name of Robert Howie?—Perfectly well.

1491. Did you show the money you had received to Robert Howie?—Yes.

1492. Did Robert Howie do anything with the money?—He took the number of the notes and the date of the sovereigns.

1493. Were those notes which he took the numbers of the same notes you had received from Dr. Webster?—Yes, and he sealed them up in a paper; he put his seal on, and I put mine on, so that there could be no mistake on either of us in opening it.

1494. Was Stebbings present when Howie took the numbers of your notes and the dates of the sovereigns, and sealed them up in a parcel?—I believe he was.

1495. Did you see Howie seal up any other notes than those of your own?—Yes.

1496. Who produced those notes?—Mr. Stebbings.

1497. What

*Robert Adams.*

29 March 1841.

1497. What notes did he produce; how many?—Two 5*l.* notes, and two sovereigns.

1498. Did Howie take the numbers of those notes in the same manner?—Yes.

1499. And the dates of the sovereigns?—Yes.

1500. Then did he seal them as he had sealed yours?—I believe he did.

1501. When he had sealed your notes and sovereigns up, did he deliver them to you?—Yes.

1502. Did you, the next day, present yourself at the hustings?—Yes.

1503. Did you take the parcel with you?—I handed it up to the mayor.

1504. Did the mayor ask you what the parcel was?—Yes.

1505. Do you remember the answer you gave to the mayor?—Yes.

1506. What was it?—I told him that it was given to me, by Dr. Webster to induce me to vote for Lord Listowel, but I should vote for Benjamin Bond Cabbell.

1507. Did the mayor open the parcel?—Yes.

1508. Then you, I believe, took the bribery oath, and gave your vote for Mr. Cabbell?—Yes.

1509. Leaving the notes and sovereigns in the possession of the mayor?—Yes.

1510. You have already told me that the parcel you so delivered to the mayor was the same parcel that had been sealed by Howie, with your seal and his seal?—Yes; it was never out of my possession till I went to the mayor.

1511. You say you are a true Blue; have you generally been of that opinion?—Always, except once that I voted for Sir Francis Vincent.

Cross-examined by Mr. *Austin.*

1512. Were you canvassed at the last election by Mr. Cabbell?—Yes.

1513. What day?—I am sure I cannot say; the first day they came I was on the canvass with Mr. Cabbell all the time; I canvassed with him.

1514. Did I understand you Mr. Cabbell canvassed you on the first day he came?—He sent for me to the Verulam Arms to breakfast with him.

1515. Whom did he send to you?—I do not know; he sent a note to me.

1516. Signed by himself?—I cannot say whether it was signed by himself or the committee.

1517. But, either signed by himself or his committee, he sent a note to you?—Yes, the next morning to join him on the canvass.

1518. Was that on the Wednesday?—The first day that Mr. Cabbell came to canvass the borough.

1519. When did you first see Lord Listowel?—The first day he came down.

1520. What day was that?—I am sure I cannot say.

1521. Was it the Thursday?—I forget I am sure.

1522. Or was it the Friday?—I am sure I forget the day it was.

1523. Did you see Mr. Cabbell the day before you saw Lord Listowel?—Yes.

1524. What time in the morning did you get the note?—I am sure I do not know.

1525. About what time?—Between six and seven.

1526. In the morning?—Yes.

1527. Between six and seven o'clock on the Thursday you got the note?—It was the first day that Mr. Cabbell was there.

1528. Between six and seven o'clock in the morning?—I think it was.

1529. Did you go?—Yes.

1530. What o'clock did you go?—I cannot say; as soon as I had cleaned myself and got myself ready.

1531. You went and breakfasted there?—Yes.

1532. You did breakfast there?—Yes, I did.

1533. Whom did you breakfast with?—Mr. Cabbell and the party.

1534. Was Mr. Cabbell at the same table?—I believe he were.

1535. Do you know him?—Yes.

1536. Tell me who, besides Mr. Cabbell, was at the table?—Mr. Wingrave and Mr. Blagg; I cannot say who the others were.

1537. Were you introduced to Mr. Cabbell; you know what I mean by that?—Yes.

1538. Were you introduced to him?—Yes,

1539. By

*Robert Adams.*

29 March 1841.

1539. By whom?—I am sure I cannot say who it was; it was one of the gentlemen present; I do not know which it were.
1540. Did you promise him your vote?—Yes.
1541. Upon that occasion?—Yes.
1542. Then, as I understand you, you had promised Mr. Cabbell your vote early on the morning after the writ was moved for in Parliament?—Yes.
1543. And before Lord Listowel was ever heard of in St. Alban's?—Yes.
1544. Do you know a person of the name of Quin?—Yes, I do.
1545. Was he at the breakfast?—I believe he were.
1546. Do you not know it?—I believe he were.
1547. Have you any doubt of it?—No.
1548. Was he or was he not?—I believe he was.
1549. *Committee.*] Was he there or not; if you know it, say so?—I cannot say.
1550. *Mr. Austin.*] Have you any doubt about it?—He was there some part of the day.
1551. Have you any doubt he was there at breakfast?—No, I do not know whether he was there or not; there was most of the committee there.
1552. And Mr. Quin, you believe, was there?—I believe he was.
1553. Did you go out canvassing with Mr. Cabbell on that day?—Yes, I did.
1554. Did Mr. Quin go with him?—Yes.
1555. What street does Mr. Quin live in at St. Alban's?—I do not know; he does not live in St. Alban's, I believe.
1556. Does not he live in St. Alban's? Did you ever see him before that day?—I do not know that I did.
1557. Did you not see him before?—I do not know that I did.
1558. Is he not a St. Alban's man?—No, I believe not.
1559. Do you know where he comes from?—No, I do not.
1560. Did you ever hear where he came from?—No, I do not believe I did.
1561. Did you see him afterwards, in the course of the day?—Yes, I did.
1562. And the next day?—Yes.
1563. And the day after that?—Yes.
1564. And every day till the election was over?—Yes.
1565. Did you see Mr. Cabbell every day till the election was over?—Yes.
1566. Did you canvass with him every day?—Yes, I did.
1567. Did you go round the town?—Yes.
1568. Asking persons for their votes?—Yes.
1569. With Mr. Cabbell?—Yes.
1570. Now, I will ask you whether you were not incessantly occupied from the time that Mr. Cabbell first sent for you, between six and seven o'clock in the morning, till the election was over?—Except when I was in bed.
1571. Occupied on Mr. Cabbell's side?—Yes.
1572. What colours did Mr. Cabbell wear at the election?—True blue.
1573. Did you wear the true-blue colour?—Yes.
1574. Just hold up your hat; is that the colour (*pointing to the Witness's watch-ribbon*)?—Yes.
1575. Did you wear that ribbon on those occasions?—Yes.
1576. Did you wear that ribbon all the time?—Yes.
1577. Had you a cockade in your hat?—No.
1578. You had not?—No.
1579. On what day did you say you saw Mr. Webster?—Friday, I think, was the first day I saw him.
1580. *Committee.*] When do you mean the first day; do you mean the day you went to his house?—No.
1581. *Mr. Austin.*] What day did you go to his house?—On the Monday.
1582. Was that the nomination day?—Yes.
1583. What o'clock of the day was it?—Some time in the morning, before 12 o'clock.
1584. That will not do?—I am sure I cannot say.
1585. What time before 12 o'clock?—I cannot say.
1586. Do you mean to tell the Committee you can fix no hour before 12 o'clock?—No, not just precisely.
1587. Had you had your breakfast?—Yes.
1588. Had you seen Mr. Quin before breakfast?—Yes.

1589. And

Robert Adams.

29 March 1841.

1589. And the night before that?—Yes.
1590. Did you go to Mr. Webster's house?—Yes.
1591. You went there of your own accord?—No, he asked me to walk in.
1592. I ask you whether you went to his house of your own accord?—He asked me to go with him, and I went with him.
1593. Where did he ask you to go with him?—In the street, very near his house.
1594. Did you go to the place where you met him, of your own accord?—Yes.
1595. How long was that after you had seen Mr. Quin?—I am sure I cannot say.
1596. Try and recollect how long it was?—I cannot say.
1597. Had you seen him that morning?—Yes.
1598. Will you swear you did not go to that place by Mr. Quin's direction? Answer that question. Will you swear you did not go to that place by Mr. Quin's direction? (*the Witness hesitated.*) Answer the question; did you, or did you not?—I did by Mr. Wingrave's.
1599. Was Mr. Wingrave one of the committee?—Yes; at least he was on the canvass with us.
1600. Is he a St. Alban's man?—Yes.
1601. What is he?—A plait dealer; a straw-plait dealer.
1602. Where did Mr. Wingrave give you this direction?—At the Verulam Arms.
1603. In the committee-room?—I cannot say whether in the committee-room.
1604. Yes, you can; was it in the committee-room?—I believe it was.
1605. Have you any doubt it was?—Not at all.
1606. Was Mr. Quin by at the time?—I cannot say; he was in the room, I believe.
1607. Have you any doubt he was in the room?—No.
1608. Will you swear that Mr. Quin was not talking with you and Mr. Wingrave at the time you received the direction?—I cannot say that he were.
1609. Will you swear that he was not?—No; I cannot say.
1610. Did Quin talk with Wingrave in the committee-room, at any time?—Yes.
1611. How long was it before you went to the place where Mr. Webster saw you, that you got that direction from Mr. Wingrave?—A very little time.
1612. How many minutes?—Not an hour, I should think.
1613. Was it a quarter of an hour; will you swear it was 10 minutes?—Yes.
1614. Was it a quarter of an hour?—I should think it were.
1615. How far is it from the Verulam Arms committee-room to the place you saw Mr. Webster?—Perhaps 200 or 300 yards.
1616. Did you go to any other place in the meantime?—Only the street.
1617. After getting the direction, you went from the Verulam Arms to the place where you saw Mr. Webster; is that it?—I went from the Verulam Arms till I saw Mr. Webster in the street, and then we went into the house together.
1618. When you had been into Mr. Webster's house, according to your story, did you go back to the Verulam Arms?—Yes.
1619. Immediately; did you not go straight to the Verulam Arms?—Yes, I did, round the corner.
1620. And therefore not straight: did you see Mr. Wingrave there?—Yes.
1621. Did you see Mr. Quin there?—I believe I did.
1622. Have you any doubt of it?—No.
1623. Had you seen Stebbings in the meantime?—Yes.
1624. Had you known Stebbings before?—Yes.
1625. Had Stebbings seen Mr. Quin?—Yes.
1626. And Mr. Wingrave?—Yes.
1627. Was he with you at the time you got the direction from Mr. Wingrave?—I believe he were.
1628. Have you any doubt that he was with you?—I believe he were.
1629. Have you any doubt he was with you?—No.
1630. Now go back a little, will you; where had you come from that morning when you went to the committee-room to meet Mr. Wingrave and Mr. Quin?—I came from home.
1631. Did you go alone to the committee?—Yes, I did.



*Robert Adams.*

29 March 1841.

1632. Had you had a note or any message from Mr. Quin or Mr. Wingrave?  
—No.

1633. Did you meet Stebbings at the committee-room?—No, in the street.

1634. Did you take him with you to the committee-room?—No; I met him in the street, and took him to Dr. Webster's with me; we went together.

1635. You saw Stebbings after you had been to the committee-room?—Yes.

1636. What do you mean by telling the Committee that Stebbings was with you when Mr. Wingrave had the conversation with you?—We both went together.

1637. Did you go both back together to the Verulam Arms?—Yes.

1638. Did you see Mr. Wingrave and Mr. Quin together then?—Yes.

1639. Both of you?—Yes.

1640. And they both spoke to you?—Yes; and they saw the notes.

1641. Do you remember leaving the poll?—Yes; in a hurry.

1642. Where did you go to?—I went to Hertford, to be taken care of.

1643. What was the matter with you?—In case I should have my brains knocked out; I was threatened for it.

1644. You were threatened?—Yes.

1645. Were you threatened when you went away from the poll?—Yes; that they would murder me, some of them.

1646. You were afraid of that?—Yes; and I went to Mr. Nicholson's, to be taken care of.

1647. Before you got to Nicholson's, you say you were afraid of being murdered?—Yes.

1648. What for?—Because I had done my duty.

1649. Do people get murdered in St. Alban's for doing their duty?—It appeared like it, if I had not gone away; I was threatened.

1650. Or is it because you do not enjoy the best reputation at St. Alban's; how is that?—There are some people that have a little animosity against me, I think.

1651. Did that animosity spring up so suddenly between the time of your going to the poll and going to Nicholson's?—Yes; as soon as I had polled, they were rather vexed, some of Lord Listowel's party, because I had done my duty.

1652. Let us go to Hertford, to Mr. Nicholson's; how came you to go there?  
—To be taken care of.

1653. How came you to go?—I went there to be taken care of.

1654. Who sent you there?—I went along with Mr. Serang; he took me.

1655. Did you yourself propose to go to Hertford?—Yes.

1656. Do you swear that?—I proposed to go out of the town; I knew I was not safe there.

1657. Do you intend to swear before this Committee, that it was not arranged before you went to the poll that you should go out of the town?—No, it was not; for I did not know anything where I was going, or I should not have gone in the way I did.

1658. How did you go?—I went as far as the Reformer in a postchaise, and then Mr. Serang took me in his horse and gig.

1659. You went to where?—The Reformer public-house.

1660. Who procured the chaise for you?—I cannot say.

1661. Did you order it?—I cannot say who did.

1662. Did you pay for it?—No; I dare say Mr. Serang did.

1663. You have never been asked for the money?—No.

1664. Did you breakfast at the Verulam Arms more than once?—No; I do not believe I did.

1665. Did you dine there more than once?—I do not think I dined there at all.

1666. Had you anything besides breakfast at the Verulam Arms?—I cannot say.

1667. Did you ever pay for what you had there?—No.

1668. Have you ever been asked for it?—No.

1669. How long did you remain at Hertford?—A week or about.

1670. With Mr. Nicholson?—No.

1671. Where then?—With a friend of his, where he recommended me.

1672. Who is Mr. Nicholson?—An attorney.

1673. Is he an old friend of yours?—No.

1674. Did

*Robert Adams.*

29 March 1841.

1674. Did you ever see him before?—No, not before that time.  
 1675. You lived a week at that place at Hertford?—Yes, or thereabout.  
 1676. You say you did not know Mr. Nicholson?—I know him now.  
 1677. You say he is an attorney?—Yes.  
 1678. Do you not know he is Lord Salisbury's electioneering agent at Hertford?—No, I do not.  
 1679. Do you now know it?—Yes, I do now; I did not then.  
 1680. What did your lodging cost at Hertford?—I am sure I do not know.  
 1681. Have you paid for it?—No.  
 1682. Have you been asked to pay for it?—Not at present.  
 1683. Do you expect to pay for it?—Yes, I do.  
 1684. You swear that?—Yes.  
 1685. Do you mean to swear before this Committee, you mean to pay for that lodging out of your pocket?—Yes.  
 1686. Do you expect to be supplied with the money to pay for it?—No, I have money of my own.  
 1687. Do you mean to swear you expect to pay for it yourself?—Yes.  
 1688. Why has that not been done already?—Because I had not got the money with me.  
 1689. Did you borrow any money?—Yes.  
 1690. Of whom?—Of Mr. Serang; he took me away without any in my pocket.  
 1691. Where did Mr. Serang live?—At St. Alban's.  
 1692. What did you borrow?—Half a sovereign.  
 1693. Any more?—No.  
 1694. Have you repaid it?—No, I have not seen him since.  
 1695. Who furnished you with meat and drink at Hertford?—At the house I was lodging at.  
 1696. They brought you what you wanted?—Yes.  
 1697. Breakfasted, dined, and supped there every day?—Sometimes.  
 1698. Did you drink anything?—I do not think a person could do very well without drink.  
 1699. Did you drink?—Yes.  
 1700. Beer?—Just what I thought proper.  
 1701. And what quantity you thought proper?—Yes, and no more.  
 1702. Where did you go to after you left Hertford?—I came to London.  
 1703. Did you come alone?—No.  
 1704. With whom did you come?—With a person I was lodging with.  
 1705. What is his name?—I forget his name.  
 1706. Do you mean the person at Hertford you lodged with?—Yes.  
 1707. You came up in his custody?—I came up with him, and he got me a lodging.  
 1708. Where is that lodging?—I will soon tell you, it is in Charles-square, Hoxton.  
 1709. You have lived there ever since, have you?—Yes, till I came to this inn where I am now.  
 1710. You have come to a new inn?—Yes, to be a little handy.  
 1711. Is that the inn where Mr. Croucher is; do you know Mr. Croucher, a short stout fat man?—Yes, I know him; I forget the name of the inn.  
 1712. Did you pay for your board and lodging at Hoxton?—Yes, at Hoxton I have.  
 1713. How much did you pay?—I am sure I forget; I never took any account of it.  
 1714. With whose money did you pay it?—With my own.  
 1715. Where did you get it?—From my own estates.  
 1716. With whom was it you lodged at Hoxton, I should like to know the number?—I will soon tell you; Sealy, Charles-square.  
 1717. Any number?—No. 3.

Mr. Talbot.] I would advise you to change your lodging.

1718. Mr. Austin.] What money has been furnished to you?—I am sure I cannot say, I did not take any account of it; when I wanted it I sent for it.  
 1719. Who did you send to?—To my sister.  
 1720. Pray, sir, do you happen to enjoy any other name in St. Alban's besides that

*Robert Adams.*

29 March 1841.

that of Robert Adams; do they call you by any nick-name?—They may call me what they think proper.

1721. Do they call you any nick-name?—They may call me any name they like.

1722. Do they call you any nick-name?—Yes.

1723. Tell the Committee what names they are in the habit of calling you?—I cannot think of them, they are so many.

1724. Are they flattering names or disagreeable?—When they pick out a name that is not your own name, it is very seldom they are agreeable names.

1725. You need not wink your eye in that way?—It is a way I have got; I am apt to squint sometimes.

1726. Do you mean to tell the Committee you cannot say by what nick-name you pass at St. Alban's?—I do not think it is worth mentioning many of them.

1727. Do they happen to call you "Lying Adams"?—They may call me what they think proper, it does not affect me, so that they do not call me too late for my meals.

1728. Do they call you "Lying Adams"?—Yes, John Allsides calls me so; and that is the name I call him.

1729. Do not other people at St. Alban's call you "Lying Adams"?—I cannot say; I have heard many curious names I have been called; I do not take notice of them, I may do nothing else.

1730. Will you swear you have not been habitually called "Lying Adams" at St. Alban's?—They may call me a liar, or an honest man, or what they like.

1731. Will you swear they do not call you "Lying Adams"?—They may call me what they like.

1732. Will you swear they have not done so?—They have.

1733. Will you swear they have not, for many years past, called you "Lying Adams" in St. Alban's?—Yes, they may; I did not take notice.

1734. Have you lived at Aylesbury?—Yes.

1735. Will you swear they have not called you "Lying Adams" at Aylesbury?—People may call me what they like; I can speak the truth.

1736. Will you say they did not call you "Lying Adams" at Aylesbury?—Yes, I dare say they have, but it is all the same; I can speak the truth.

1737. Do you know Samuel Gibb?—Yes, a very good sort of man; he does not call me a liar; I think I am like him, an honest man.

1738. Have you ever worked in the same workshop with him?—Yes, and many a joke we have had together.

1739. Where did you work with him?—At Aylesbury.

1740. Did Samuel Gibb use to mark up upon the ceiling of the workshop every day the number of lies you told in a day?—No, I do not believe he did.

1741. Will you swear he did not?—I cannot enter into workshop concerns; I think it is ridiculous ever saying anything that transpires in a workshop.

1742. Will you swear he did not mark up upon the ceiling of the workshop the number of lies you told in a day?—I do not know it.

1743. Do you swear it?—Yes, I can swear it.

1744. Do you swear it?—I cannot remember it; but I know there had been many jokes passed that I never thought of being made public, nothing like it.

1745. Will you swear that Gibb did not do it?—No, I will not.

1746. Will you swear that Gibb did not do it?—I do not recollect it.

1747. Will you swear that from that time to the present you have not been always called at St. Alban's and Aylesbury by the name of "Lying Adams"?—Yes, I will swear it; I was not always called so; I was always an honest man, and will always swear to the truth.

1748. Have you ever had a brace of pistols in your possession?—Yes, and I have got them in my possession now.

1749. Did you ever threaten to shoot your wife?—No, I like her too well.

1750. Will you swear you never threatened to shoot your wife?—Yes, I will. I did not think that electioneering matters would go into family matters, because I happened to be of the other party.

1751. Will you swear that your wife did not take the pistols away from you, and give them to the constable?—Yes, I will; she does not like the look of them; she never had them in her hand.

1752. Will you swear they were not taken from you?—Yes, I will; they are always under lock and key, except I go out into the country.

1753. Do

*Robert Adams.*

29 March 1841.

1753. Do you remember fastening those pistols to your door, six months ago?—I never did.

1754. Do you know a man of the name of Durham?—Yes.

1755. You swear you did not fasten those pistols to the door, six months ago?—Yes, I will: It was when they broke my door open; it was John Allsides; when they knocked me down in the street.

1756. When did that affair of Allsides's take place?—I cannot say; a long while ago.

1757. More than six months ago?—Yes, before I left St. Alban's, nine years ago. There is a warrant out against the son, but they will never take him; he knocked me down, and swore I knocked his father down; but I never touched him; I did not think it would come to family affairs in this way, so close as that.

1758. Are you a freeman of St. Alban's?—Yes.

1759. How long have you been so?—Some years; 20 years, I should think.

1760. Did you become a freeman from serving an apprenticeship?—I purchased it.

1761. Did they sell the freedom formerly?—Yes.

Re-examined by Mr. *Hildyard*.

1762. Is Samuel Gibb alive now?—I hope he is.

1763. As far as you know?—Yes.

1764. Were you on good terms with him up to the time you saw him last?—Yes, and always have been.

1765. Therefore, whatever jokes may have passed at the workshop, did they ever interrupt the good understanding between you?—Not in the least.

1766. What is the name of this person you call John Allsides; what is his real name?—I gave it him because he was of the three parties, and took money of the candidates.

1767. What is his name?—John Galer; brother-in-law of my wife.

1768. Do you know a person of the name of Fairthorn?—Yes.

1769. He is an active partisan on the Blue side?—Yes; he served me with a copy of a writ for John Allsides.

1770. The man you call John Allsides?—Yes.

1771. Was that shortly before the last election?—Yes.

1772. Within a reasonable time of the last election?—Not a great while; for an old woman's annuity which he had no business with.

1773. You say you went to the committee-room at the Verulam Arms before you set out to go to Dr. Webster's house on the Monday morning?—Yes.

1774. Was Stebbing with you before you set out to go to Mr. Webster's; was he at the Verulam Arms?—I believe we were there, but we did not go together, I believe.

1775. Where did you fall in with Stebbings?—Somewhere in the street.

1776. Then you and he together went down to Mr. Webster's, near Mr. Webster's house?—Yes.

1777. And he came out and beckoned you in, and then that passed which you have told us?—Yes.

1778. You have said, when you made this disclosure at the hustings, the people around threatened you?—Yes.

1779. Can you mention any particular person who threatened you?—I could hear it when I was on the hustings, but I could not say who they were.

1780. On that account, you were desirous to be removed from St. Alban's?—Certainly.

1781. And you were taken in the manner you have spoken of, and have been kept out of the way since that time?—Yes.

1782. Were you desirous to be taken from St. Alban's, in consequence of the violence you had heard threatened?—

Mr. *Cockburn* objected to the question.

The question was waived.

[The Witness withdrew.]

[Adjourned till To-morrow, Eleven o'clock.]

*Martis, 30<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, ESQ. IN THE CHAIR.

The Names of the Committee were called over ;—All the Members present.

*Robert Howie* was again called in ; and having been sworn, was further Examined by Mr. *Hildyard*, as follows :

*Robert Howie.*  
30 March 1841.

1783. WERE you on Monday, the day of the nomination, at Mrs. Kent's drinking tea in the evening ?—I was.

1784. Did Adams and Stebbing come there ?—Yes, they did.

1785. About what hour was it ?—From six to seven o'clock, as near as I can recollect.

1786. Did Adams show you anything ?—He did.

1787. What was it that Adams showed you ?—He showed me two 5*l.* notes and two sovereigns.

1788. Can you give us the numbers and description of those notes ?—I can.

1789. Did you take the numbers and description of the notes at the time ?—

[The Witness withdrew.

Mr. *Cockburn* objected to the witness stating the numbers of the notes, and insisted that the notes must be produced, as a note was a written or printed instrument; and that before secondary evidence could be given of the contents of a written or printed document, it must be shown to be lost or kept back, or destroyed.

Mr. *Hildyard* contended that the doctrine alluded to by Mr. *Cockburn* did not apply to a case of this sort; that as Adams had been examined, and had proved he received certain notes from Mr. Webster, and that the present witness *Howie* had taken down the numbers of the notes, and that Mr. *Austin* had not objected to a reference to the notes, and the fact that they were issued by Mr. *Muskett's* bank, that he was about to prove the numbers of the notes by the witness who at the time took down the number.

Mr. *Cockburn* was heard in reply, and urged that the rule for which he contended was of universal application; that the notes were in the possession of the mayor, and might be produced.

The Committee decided that the question could not be put.

*Robert Howie* was again called in ; and further Examined by Mr. *Hildyard*, as follows :

1790—1. Did you take the numbers of the notes ?—Yes, I did.

1792. Did you take the name of the person by whom the note had been entered ?—Yes, I did.

1793. And the date of the note ?—I beg pardon, perhaps I am wrong ; do you mean the indorsing of the note ?

1794. No ; I suppose the note was entered by some clerk. Did you take the numbers and the name of the clerk by whom they had been issued ?—I took the number and the date of the note, and the bank by which it was issued, but not the name of any clerk.

1795. When you had done so, what did you do with the notes and sovereigns ?—I had a piece of paper brought me, a half sheet, and I wrote my own name on the paper : I enclosed the two 5*l.* notes and two sovereigns in the paper ; Mr. Adams sealed the small parcel with his own seal, in the centre ; I sealed it at both ends with a seal belonging to Mr. or Mrs. Kent, with their initials on it.

1796. What did you do with the parcel when so sealed ?—The parcel was never out of Adams's possession ; it laid upon the desk, and he had his hand upon it at the time I sealed it ; as far as I was concerned, it was never out of Mr. Adams's possession.

1797. What

1797. What became of it when it was so sealed?—He put it into his pocket.

1798. Did Stebbings produce anything?—Yes, he did.

1799. What was it that Stebbings produced?—Two 5*l.* notes of Mr. Muskett's bank, and two sovereigns.

1800. Did you take the same particulars with respect to those notes that you had done with respect to Adams?—I did.

Mr. *Cockburn* stated he took for granted Mr. Hildyard intended to call Stebbing.

Mr. *Hildyard* stated that he was about to call Stebbing.

1801. Mr. *Hildyard*.] When you had done so, what did you do with them?—He put them into his pocket.

1802. You have only said you took the same particulars; when you had written down the particulars, what did you do with them?—I enclosed them in a half sheet of paper, in the same way I had done Adams's, and sealed them in the same way, and delivered them to Stebbing.

1803. *Committee*.] You took the number and dates, and the bank?—Yes.

1804. What you did with Adams's notes you did with Stebbing's?—Yes, as near as I possibly could.

1805. Mr. *Hildyard*.] And when you had done it Stebbings took them, the same as Adams had done?—Yes.

Cross-examined by Mr. *Cockburn*.

1806. You say you were at Mrs. Kent's; where is Mrs. Kent's?—Opposite the Market-cross at St. Alban's.

1807. I think you mentioned Mr. Kent; there is a Mr. Kent?—Yes.

1808. What is he?—A grocer.

1809. Does he take an active part in the elections?—He does not.

1810. He is a voter?—Yes, he is.

1811. Which side does he vote upon?—Upon the Conservative side.

1812. And I suppose so do you?—Yes, I do.

1813. Do you take a warm interest in those matters?—Not at all a warm interest.

1814. You always vote on that side?—I have always voted on that side.

1815. Have you not made yourself active in electioneering proceedings?—Not particularly active.

1816. Have you canvassed?—I have not canvassed.

1817. Were you a member of the committee?—I was not.

1818. Did you ever attend at the committee-room?—I have attended at the committee-room.

1819. How often in the course of the election; every day?—No, I do not know that I attended the committee-room at all; I may say there was hardly a committee-room there.

1820. Did you attend in the room?—I am in the habit of being in the house every day, or two or three times in a day; I do not know that I was there more than two or three times then.

1821. Being at what house?—Mr. Kent's house.

1822. Did you attend at the committee-room of Mr. Cabbell?—There was no committee-room there.

1823. Where?—At Mr. Kent's.

1824. Was there a committee there at any time?—No, not at that time, nor at any time afterwards, I may say; I was there that day with a party of private friends of my own.

1825. Was there a room used for the purpose of the election?—Not then.

1826. Was there any room there used for the election proceedings?—The room we had our tea in was intended to be used for one.

1827. Was it so used?—I do not think there was any writing done there, or that Mr. Cabbell entered the room.

1828. Was it a room afterwards used for the purpose of the election in any way?—There might be members there, but there was no writing done, nor any consultation there.

1829. Was it a room hired for the purposes of the election?—It was hired in a manner, but there was no particular contract.

219.

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1830. There

*Robert Howie.*

30 March 1841

*Robert Howie.*

30 March 1841.

1830. There was no contract; how was it hired?—I spoke to my brother-in-law, Kent, to know if we could have it if it was wanted, and he said we could.
1831. By whose direction did you speak to Mr. Kent?—My own.
1832. Did you take upon yourself to hire rooms for the purposes of the election?—Not to hire it.
1833. But to speak about it?—Yes, I have.
1834. Did you do it in any other instance?—Yes, I had before.
1835. Had you ever hired a room for the election?—It has been had before, and I spoke to the person that then had had the house.
1836. Do you mean to say that that room was never used for the purposes of the election?—I cannot say that it was directly.
1837. Can you say it was indirectly?—I cannot say there was none of Mr. Cabbell's voters there, but there was no election business done there to my knowledge, nor any writing.
1838. Where was it done?—I cannot say.
1839. Do you mean to represent, without any instructions from anybody, you went to hire this room?—I had no instructions from any one.
1840. You took upon yourself to go to your brother-in-law to engage this room?—I did.
1841. Had you communicated to anybody your intention to hire that room?—No.
1842. Did you communicate to any one that you had spoken to your brother-in-law about the room?—I cannot say I did not, but I cannot say whom; but I went entirely myself to know if we could have the room if it was wanted.
1843. When did you do that?—To the best of my recollection on the Saturday night.
1844. Before this Monday?—Yes.
1845. Your brother-in-law told you you might have it?—Yes.
1846. Was any agreement made about the price?—There was not.
1847. Can you say that the room was not used by the voters?—I cannot say it was not used by the voters, but not as a committee-room.
1848. Was it used by the voters?—There were voters in it.
1849. What were they there for?—I cannot say.
1850. Were they collected there previous to polling?—No, not then.
1851. You say there were a few private friends there to tea; tell me how many?—There might be about six or seven.
1852. Gentlemen or ladies?—Gentlemen and ladies.
1853. It was not an electioneering party?—There was not a voter in the room before Adams and Stebbing came in.
1854. Did you know beforehand that Adams and Stebbing would be there that evening?—No, I did not.
1855. Were Adams and Stebbing friends of yours?—I have been most intimately acquainted with them many years.
1856. Did they come to see you or Mr. and Mrs. Kent?—That I cannot say.
1857. Are they friends of theirs too?—Yes, particularly Stebbing.
1858. What hour in the evening was it that Adams and Stebbing came there?—Between six and seven.
1859. Did Adams and Stebbing show you those notes; did they make any statement to you at the time they showed you the notes?—They told me that when they had them, and who from.
1860. I merely asked you whether they made any statement?—That was the statement they made.
1861. Did they make that statement to you alone, or did they make it to the other persons present?—They made the statement to me alone in the first instance.
1862. Where was it they made that statement; in the room, or did you go out anywhere?—They took me out into another room.
1863. Where was that room?—A room nearly adjoining the room we were sitting in, about as far from it as the width of this room.
1864. *Committee.*] Did you go up stairs?—No, it was down stairs a few steps.
1865. *Mr. Cockburn.*] Did that room lie at the front or the back of the house?—Towards the back of the house.
1866. Was it a sitting-room or a parlour, or what?—It was a sort of bed-room, or sitting-room.

1867. What

*Robert Howie.*

30 March 1841.

1867. What do you mean by that?—It is a room not used for a bed-room or sitting-room ; it is a sort of store-room.

1868. Was there any bed in it?—No.

1869. What is there in it ; anything but stores?—There are grocer's stores.

1870. You do not call that a bed-room?—It has been used many times for a bed-room, but they have taken away the bed and put stores in it.

1871. How long were you in that room with Stebbing and Adams?—Nearly an hour.

1872. When you left the room, where did you go to?—To another room.

1873. The room from which you had come?—Yes.

1874. Did Adams and Stebbing go back with you?—Yes, they did.

1875. Did you state to the persons present why you went away with Adams and Stebbing in that room?—I did not.

1876. You say that Adams and Stebbing made a statement to you in the private room ; did they repeat the statement before any persons who were there that day?—They did not.

1877. What induced you to go with them into a private room ; did you learn that they had anything private to communicate?—They asked me to go with them into the private room.

1878. Where was it you took the dates and numbers of the notes ; was it in the private room or where the other parties were?—In the private room.

1879. Was it there you sealed the notes?—Yes.

1880. *Committee.*] By the private room you mean the store-room?—Yes, I do.

1881. *Mr. Cockburn.*] In order to seal the notes you must have had sealing-wax and light ; where did you get the sealing-wax and light?—Mrs. Kent brought the sealing-wax, the light, and the paper to me.

1882. How did you communicate with Mrs. Kent that you wanted these articles?—I went to the passage door and called her, and she brought them to me.

1883. When you had done this, you went back to the sitting-room?—I did.

1884. What became of Adams and Stebbing ; did they go away?—They went away some time afterwards ; they did not go away then.

1885. Did they go with you into the sitting-room?—They did.

1886. They did go back with you to the sitting-room?—Yes.

1887. How long did they remain there?—I cannot say exactly the time.

1888. About?—I did not take particular notice.

1889. You say you remained with them an hour in the private room ; can you say how long they remained in the house?—No, I cannot.

1890. How long did you stay yourself there after you went from the private room?—It might have been between 10 and 11 o'clock when I left to go to my own house from Mr. Kent's.

1891. It was 10 o'clock?—From 10 to 11.

1892. Those parties remained in the private room about an hour?—Yes.

1893. They came between six and seven?—Yes.

1894. I am calling your attention to the time you have given us, to bring to your recollection how long the men remained in the house after they came away from the private room?—I cannot recollect.

1895. Can you give me no time at all ; not even a rough guess?—No.

1896. Did they stay an hour?—I can say nothing at all about it, and I will not ; as far as truth goes I will tell it you, but otherwise I will say nothing.

1897. You must have your belief upon the subject?—I have no belief.

1898. Did they stay with you till 11 o'clock?—No, they did not, I was not there till 11 ; I told you the time I left was between 10 and 11.

1899. Did they stay till you left?—I left Stebbing in the house.

1900. Why did you not tell me that just now?—You never asked me the question.

1901. I asked you how long he stayed ; you could say he stayed as long as I did?—You never asked me the question.

1902. Had Stebbing been away during any part of that time?—He had.

1903. When did he go away?—He went away between the time that I took the particulars of the money that Mr. Webster gave him, and the time I left the house to go to my house.

1904. That leaves us just in the same state of ignorance as we were before ; of course



*Robert Howie.*

30 March 1841.

course it must have been in the course of that interval ; what time in the course of the evening did he go away ?—I cannot fix the time.

1905. Was it immediately after he returned to the room where the tea party was, or later in the evening ?—I have given an answer to the best of my knowledge.

1906. Did he stay half an hour in the room after you went back ?—I will not say.

1907. Did he remain an hour ?—I will not say.

1908. Do you remember his coming back ?—I cannot exactly say that I remember the particular time of his coming back ; I know he came back, and I left him in the house when I went away.

1909. Can you fix any time, in the course of the evening, when he came back ?—No.

1910. With regard to Adams, did you leave him in the house too ?—No.

1911. You say you remember the fact of Stebbing going away ?—Yes.

1912. Did Adams remain after Stebbing went away ?—They went away both together.

1913. Stebbing came back and Adams did not ?—I am not particular about whether Adams did or did not, but I know he was not in the house at the time I left to go to my own house.

1914. Do you mean to say you cannot recollect whether Adams came back or not ?—I really cannot ; it has escaped my memory whether he came back after he first left or not.

1915. *Committee.*] How soon after you had given them the money did they go away ?—I cannot state the particulars exactly, because I do not remember it ; but I recollect them going both away together.

1916. You do not know whether Adams came back ?—No.

1917. *Mr. Cockburn.*] Can you give me no time whatever for their going away or coming back again ?—No, I cannot.

1918. *Committee.*] I think you said you hired the room of Kent ?—I did not hire it ; I spoke to him whether we might have the room if we wanted it ; and it was arranged so far, that we might have it if we wanted it.

1919. *Mr. Cockburn.*] Did you ever attend in the same room ; was the room used for the purposes of the election ?—I have been in the room.

1920. How often have you been there ?—I might have been in the room twice.

1921. Were you there on the Saturday ?—I do not know that I was ; not to the best of my recollection ; I am often in the house, because I have business there, but I do not know that I was in any room belonging to Mr. Cabbell's freemen.

1922. Were you in the Verulam Arms at the time that Adams was in any room with Mr. Quin ?—No, I was not.

1923. Were you there when there was any conversation with Stebbing ?—I was not.

1924. *Committee.*] You said you were not aware that there was a committee-room in Mr. Kent's house then ?—There was no voters in the house then, to the best of my knowledge ; indeed I know there was none.

1925. If I understood your answer, the Counsel asked you if you were in their committee-room, and you said you were not aware there was a committee-room in the house then ; when was there a committee-room in the house, if it was not then ?—The former election ; there was a committee-room in it then, but not during the last election.

1926. This committee-room was hired for the election purposes ?—I spoke to my brother-in-law, and he said that we might have it if required.

1927. Was it hired for the election ?—Yes, it was ; if we wanted it, it would be for that purpose.

1928. Was it used for the election purposes ?—There were voters in it, but no writing in it ; I asked my brother-in-law if we might have it for a committee-room for Mr. Cabbell's friends, if we wanted it, and he said I might do what I pleased with it.

1929. Then it was hired ?—In a certain sense it was hired ; it was left to me.

1930. Who hired it ?—I did ; but no person spoke to him about it but me.

1931. If you hired the room there was some money to be paid for the room ?—Yes, there was.

1932. What

1932. What sum was to be paid?—There was no specified sum mentioned ; it was left to me.

1933. What money has been paid?—None has been paid.

1934. What money is to be paid?—There may be about 20 £., but there has been no demand made for any.

1935. You say you hired the room, and there may be 20 £. paid for it, but there is no claim for it ; how can you hire a room from a man who has no claim for the amount of the hire?—There can be no claim ; that is, none particularly.

1936. If you hire a thing, do you not give to the person a claim for that sum of money?—I did not, because I did not state any sum of money.

1937. You said you hired it?—He said we might have it.

1938. If you hired the room, is it not clear that Kent has a claim for some sum of money?—I do not know that he has a claim.

1939. You say there were voters there ; for what reason did the voters come there?—I suppose they might have come there to have seen me, or to have seen whether Mr. Cabbell's friends were there ; there were no voters brought into the room, to the best of my knowledge, for electioneering purposes.

1940. You have no doubt that Mr. Kent will receive a sum of money for it?—I have very little doubt he will.

1941. The 20 £.?—He may ; but I do not know any person he has a claim upon legally, but me.

1942. Have you any doubt he will receive 20 £. for it?—I have a doubt ; whatever he receives he must look to me for.

1943. You are the person to decide what he is to receive?—Yes.

1944. And you do not know what he is entitled to?—No.

1945. Whom do you look to?—I suppose Mr. Cabbell or his friends.

1946. Was there any colour, or flag, or banners at that house of Mr. Kent?—No, some of the children might have the colours ; but there was no banner or colour to the best of my knowledge.

1947. By whose authority did you conceive yourself entitled to hire the room?—Entirely upon my own ; I spoke to Mr. Kent about that room if it was wanted ; it was a very convenient room.

1948. You said, in the beginning of the examination, that you took an active part in the election?—No particularly active part ; I did not canvass.

1949. You thought yourself entitled to go and hire the room for Mr. Cabbell?—Yes, I did.

[The Witness withdrew.

*John Stebbing*, was called in ; and having been sworn, was Examined by Mr. *Talbot*, as follows :

1950. DO you know Robert Adams?—Yes.

1951. What is your business?—I am nothing.

1952. You have been a schoolmaster, I understand?—Yes, I have.

1953. Do you remember the last election at St. Alban's?—Yes, I do, perfectly well.

1954. Are you a voter?—Yes, I am.

1955. Do you remember the day of nomination at St. Alban's at the last election?—Perfectly well.

1956. Do you remember seeing Robert Adams that day?—Yes.

1957. Do you remember walking in company with Adams in St. Alban's?—Yes.

1958. Do you remember going by Dr. Webster's door?—Yes, perfectly well.

1959. Who did you see there?—At the door?

1960. Yes.—Dr. Webster.

1961. Did anything pass between you and him at his door?—Not exactly at his door.

1962. How near to the door?—In the road.

1963. Opposite his house?—Not exactly opposite.

1964. Whatever it was, was it in the neighbourhood of his house?—Yes.

1965. What was it that passed?—He asked me to come in.

1966. Did he speak to you or to Adams only?—We were both together.

1967. Did you see Adams go in?—We both went in at the same time.

219.

K 3

1968. What

*Robert Howie.*

30 March 1841.

*John Stebbing.*

*John Stebbing.*

30 March 1841.

1968. What room did you find yourselves in when you got into the house?—In the surgery.

1969. After you got into the surgery, did you and Adams remain there with Mr. Webster, or what happened?—No, we did not.

1970. What happened?—I went into another room through the surgery.

1971. Alone?—With Mr. Webster.

1972. Was there any person in the back room besides yourself and Mr. Webster at that time?—The servant was in when I first went in, but she went out directly afterwards.

1973. Is that the back room that looked towards the abbey?—Yes, directly on the abbey.

1974. After the servant was gone out, did any conversation, any talk pass between you and Mr. Webster?—Yes.

1975. What was it?—Dr. Webster asked me whether I had promised any one; I said "Yes, I had promised Mr. Cabbell."

1976. What did he say to that?—He says, "You know politics are now quite out of the question;" he says, "What, do you want to keep out of the way?" He said he would give me 10*l*.

1977. What did you say to that?—I said no; I had been ill a long while, and I thought that was not quite enough.

1978. Had you, in fact, been ill?—Oh, yes; a very long while.

1979. In consequence of that, had you been out of employ?—Yes, I had been out of employ for two years.

1980. What was the nature of your complaint?—A nervous debility, I suppose, brought upon me by over application to study, I expect.

1981. After you said you had been ill a long time, did anything else pass?—He said, "What do you want; will 12*l*. do?" I said "Yes."

1982. After he had said, "Will 12*l*. do," and you said "Yes," what happened?—He said, "Stop a minute or two, and I will go and get it."

1983. Having said that, what then?—He left the room.

1984. What became of you?—I stopped there.

1985. You stopped there till what?—Till Dr. Webster returned.

1986. About how long was he away?—I cannot exactly say how long to a minute; I should suppose from five to seven minutes he was away, but I should not say positively.

1987. When he returned, what happened?—He brought me the money.

1988. What money?—Two 5*l*. notes of Mr. Muskett's bank, and two sovereigns.

1989. What did he do with the money?—He laid them on the table.

1990. What did you do upon that?—Put them into my pocket.

1991. After, or when you were taking the money and putting it into your pocket, did Mr. Webster say anything after you had done it, or while you were doing it?—He said, "Remember, this is to keep out of the way."

1992. Did you make any answer to that?—I said, "You perfectly understand I am not about to vote for Mr. Listowel." He said, "No, it is to keep out of the way." Lord Listowel, I believe it is the Earl of Listowel.

1993. Did anything pass but that you have told us?—Nothing further: I should say, that Mr. Webster did not go out of the same door that I entered with him.

1994. Which way does that door go out?—The door he went out after I went in with him, you mean?

1995. Yes.—I think it leads into the hall.

1996. Is there a private door besides the shop front?—Yes.

1997. *Committee.*] The door that Mr. Webster went out by was into the hall?—Yes.

1998. When he went out for the money?—Yes.

1999. Mr. *Talbot.*] You have said there is a private door, and a door led into the shop; does the private door open into the hall from the street?—I was never in at that door.

2000. There is a door with a brass knocker to the street?—Yes, there is; but I never entered that way.

2001. *Committee.*] There is a separate outer door?—Yes.

2002. Mr. *Talbot.*] Do you know the house of one Maylard, the clothier?—Yes; the linendraper or clothier.

2003. How

*John Stebbing.*

30 March 1841.

2003. How far is it from Dr. Webster's, about?—A very little way.

2004. *Committee.*] Twenty or 30 yards?—It might be 20 or 30 yards.

2005. *Mr. Talbot.*] As far as to the abbey?—Twenty or 30 yards.

2006. After you had done talking to Mr. Webster, who went out of the room first; did you leave him there, or did he go out first?—After he had given me the money, we both came out at the contrary door to the door he went out at, which came into the surgery; we both came out of the room together into the surgery.

2007. *Committee.*] By the same door by which you had entered?—Yes.

2008. After you had got the money?—Yes.

2009. *Mr. Talbot.*] When you got into the front surgery, who did you find there?—No one.

2010. Did you see Adams again after that?—Adams stood just at the door; there is another door; in fact, I may say there are three doors, because there is a sort of middle door, a sort of lobby.

2011. *Committee.*] Is that lobby between the surgery and the back room?—Mr. Webster's front door to the surgery; there is another door, a kind of shut-to door.

2012. Can you draw a sort of plan of it?—No, I cannot draw it; I can describe it better than I can draw it. Supposing you come in at this room door; suppose this is the surgery door, there is a kind of door here to protect the wind; I believe it is a green door; I cannot positively say; I know there is a middle door.

2013. *Mr. Talbot.*] What is called a swing-door?—Yes; something like when you enter a church.

2014. A kind of porch?—Yes.

2015. Where did you find Adams when you came out?—Just outside the swing-door; I cannot say whether he was just coming inside, or was just outside.

2016. Did you see what became of Adams after you had passed through the swing-door?—Adams went in with Dr. Webster into the same room I came out.

2017. Did you wait for him?—I waited outside the door.

2018. Outside the house door, the front door?—Outside the little door; I stood on the step of the front door.

2019. How long had you to wait about?—Not 10 minutes; between seven and 10 minutes, I cannot say exactly.

2020. As near as you can judge, between seven and 10 minutes?—Yes, between seven and 10 minutes.

2021. When Adams came out, did you leave the house in company?—We went away together.

2022. Did you afterwards, in the course of the day, go to Mrs. Kent's?—The grocer's?

2023. Yes.—Yes.

2024. *Committee.*] About what time did you go to Mrs. Kent's?—I do not know exactly, because I went down to the Verulam Arms, before I went to Mrs. Kent's.

2025. What part of the day was it?—The latter part of the afternoon.

2026. Towards the evening?—Yes.

2027. What hour in the evening?—I cannot say.

2028. *Mr. Talbot.*] Do you know Robert Howie?—Yes.

2029. Did you see him at Mrs. Kent's?—Yes.

2030. Did you also in the course of that afternoon go to the Verulam Arms?—Yes.

2031. With Adams?—Yes.

2032. Did you produce, either at the Verulam Arms or at Mrs. Kent's, the money you had received from Dr. Webster?—I produced them at both places.

2033. Who did you see at the Verulam Arms?—A great number of gentlemen.

2034. Who did you see when you produced the money at Mrs. Kent's?—There was a gentleman there of the name of Quin, I believe; I understood the gentleman to ask, who I met at the Verulam Arms, that is what I understood him to mean.

2035. Did you see Mr. Quin at Mrs. Kent's?—No.

2036. Did you ever intend to say so?—Certainly.

2037. Did you ever intend to say, you saw Mr. Quin at Mrs. Kent's?—I never saw him there.

219.

K 4

2038. Di

*John Stebbing.*  
 30 March 1841.

2038. Did you see him at the Verulam Arms?—Yes, I did, in the front room.

2039. Just to take you back to Mr. Webster's, a question I had omitted; at the time you came out from the room and found Adams by the swing-door, did you show Adams anything?—I said "Here"——

Mr. *Cockburn*] You must not say what you said.

2040. *Committee.*] Did you show Adams anything?—I cannot answer that question, unless I state it, because there were words at the time.

2041. Mr. *Talbot.*] Was there any action that accompanied the words; did you do anything?—I said, "Here, see what I have got," (*holding out his hand*).

2042. What was done with your money when you produced it at Mrs. Kent's; what did Howie do with it?—He sealed it up.

2043. In paper?—Yes, he put three seals on it.

2044. Whose seals were those?—I do not know.

2045. Was yours one?—No; I believe they were Howie's own seals, but I will not say positively.

2046. After the parcel had been sealed what became of it; what was done with it?—I took it into my possession.

2047. Did you afterwards part with that parcel; did you afterwards give it to any one?—Not that night.

2048. I did not say so; did you afterwards at any time give it to anybody?—Yes.

2049. When?—In the afternoon of the next day.

2050. To whom?—Into Lord Grimston's hands.

2051. Did you at the time you gave the parcel; to my Lord Grimston, put your hand to any note; I do not want to know what it contained; did you sign a letter?—I did; I did not write the letter.

2052. Did you write your name to it?—Yes, I wrote my name.

2053. Who wrote the letter?—I think it was Lord Grimston's brother; I know it was Lord Grimston's brother; I am not certain whether it is Robert or Charles; I think it is Charles Grimston.

2054. Before that note was written, did you say what was to be written?—I did; but I do not think the same words exactly were written, but to the same meaning, the same ideas.

2055. Have you ever seen that note since?—I have.

2056. Did you see anything enclosed in the note before it was sent?—Money.

2057. What money?—The money I had received of Dr. Webster.

2058. *Committee.*] That is the parcel?—Yes, which I know was the money, because it was in my possession.

2059. Mr. *Talbot.*] And had been in your possession all the time between?—

2060. *Committee.*] You had not opened the seals?—No; it was in the same state I had taken it.

2061. Mr. *Talbot.*] At whose desire was the money sent to Mr. Webster?—My own desire.

2062. I asked you just now, whether you had seen that note since?—I have.

2063. When, about?—Mr. Edwards brought it to me in company with Dr. Webster.

2064. Is that Mr. Edwards at Mr. Muskett's bank?—Yes; he is a clerk there.

2065. When was it about?—I cannot say the day, but it was some little time after the election.

2066. Do you remember hearing of the petition being presented?—Yes, I do.

2067. Was it before or after that?—After it; they came once or twice, but I was out.

2068. What time was it when they came to you?—In the evening.

2069. What passed between you and them when they came?—They both came in at the same time.

2070. What did they say to you?—Dr. Webster, not Dr. Webster but Mr. Edwards, produced a note, and he said, "Is this your writing?" I said "No."

Mr. *Cockburn* stated, that he collected, the object of the evidence was to show that Mr. Webster was an agent, but he was at a loss to conceive how what a third party said was evidence of that description; otherwise you might go into evidence of any kind without any restriction; that what was said in the presence of Lord Listowel might be admissible, but this was said behind the

the back of Lord Listowel—(*the Witness was here directed to withdraw*);—that if Mr. Webster had been established to be the agent of Lord Listowel, whatever was said in Mr. Webster's presence would be admissible to prove a particular transaction; but until the agency of Mr. Webster or the agency of Mr. Edwards was established, the evidence now proposed to be given was inadmissible.

*John Stebbing.*

30 March 1842.

Mr. *Talbot*, in answer to the objection, stated, that he apprehended the Committee had decided the principle, that the declaration accompanying the act should be received, and it would be monstrous if it were not so; that a note was produced upon this occasion, and that a conversation took place, in the commencement of which Mr. Edwards made an observation; and he was in a condition to show, that Mr. Webster took up the conversation in a way which would prove the agency of Mr. Webster, and that the observation of Mr. Webster would be unintelligible, unless the previous statement of Mr. Edwards was given.

Mr. *Cockburn* was heard in reply, and stated that the Committee were now asked to do what their previous resolutions refused to allow the parties to do; that the Committee had told the parties, they must prove their case according to the well-known and established rules of law, and that the present attempt to get in this evidence was in direct violation of the former decisions of the Committee; that the declaration of Mr. Edwards could not be received to prove the agency of Mr. Webster, which the Committee had decided was not yet proved.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had come to the following resolution; "That what Mr. Edwards said on producing the note be not received."

*John Stebbing* was again called in; and further Examined by Mr. *Talbot*, as follows:

2071. Did Mr. Webster say anything at the time Mr. Webster and Edwards came to you?—Yes.

2072. Was the note which was produced to you upon that evening the note you have formerly spoken of to us here?—You mean the note Edwards brought?

2073. Yes.—The same.

2074. Was that the note in which the money had been enclosed?—The same.

2075. The note you had signed?—Yes; I will swear to it, because it —

Mr. *Talbot* stated he proposed now to ask the witness, upon the production of that note, what Dr. Webster said.

Mr. *Austin* objected to the question.

Mr. *Talbot* waived the question.

2076. Have you ever received the money back which was enclosed in that note?—The money which Mr. Webster gave me, do you mean?

2077. Yes.—No.

2078. You have never received the money back from that time to this?—No, I have never seen it.

2079. Before you went to Mr. Webster in the morning of the nomination day, with Adams, had you any conversation with Adams?—I had.

2080. In the street, as you were going?—In the street.

2081. Had you seen him elsewhere than in the street that morning?—No, I saw him standing by the pump, opposite Mrs. Kent's.

2082. Was it in consequence of the conversation you had with Adams you accompanied him to Mr. Webster's?—I said —

2083. No; just answer the question; was it in consequence of what Adams said to you, you went with him to Mr. Webster?—We did not go directly to Mr. Webster's.

2084. I know that; was it in consequence of anything that Adams said to you, you afterwards went to Mr. Webster?—

2085. *Committee.*] Do you understand the question?—No.

2086. Mr. *Talbot.*] You have told us you met Adams, and walked about the streets

*John Stebbing.*

30 March 1841.

streets with him, and then you went to Mr. Webster's with him, or you went and stood opposite Mr. Webster's house?—No, we never stood there at all.

2087. Did you pass by?—Yes, we went to the George.

2088. Was it in consequence of anything Adams said to you, you were induced to go to Dr. Webster?—I went with him, knowing him.

*Cross-examined by Mr. Austin.*

2089. Were you a voter before the last election?—Yes.

2090. When did you become a voter?—I have been a voter for some years back; and then I ceased to be a voter, because I left and went to live at Wheathampstead, with the Rev. Mr. Doughton; I gave up my school about nine or ten years ago, and went to live with Dr. Doughton of Wheathampstead.

2091. Are you a freeman?—No, I am not.

2092. Are you a 10 l. voter?—Yes.

2093. Have you known Mr. Adams long?—I lived by the side of him about three years ago.

2094. Next door, do you mean?—Yes, the very next door.

2095. Were you intimate with him?—So far as being neighbours; and he was of the same principles as I am.

2096. Do you mean to say you are of the same principles as he is?—Yes.

2097. You acted together upon former occasions at elections?—No.

2098. I understood you to say, that you met Adams on the morning of the nomination day, in the street?—Yes.

2099. Had you promised your vote at that time?—I had.

2100. When did you promise your vote?—The Saturday evening before.

2101. To whom did you promise it?—I am sure I do not know, there was a great number there; I think Mr. Cabbell was one.

2102. Did you see Mr. Cabbell himself?—Yes.

2103. Did you promise it to him?—Yes.

2104. Who introduced you to Mr. Cabbell?—I cannot say, I forget.

2105. Were you taken to the Verulam Arms, or did they come to your house?—They came to Mr. Kent's, the party did.

2106. Did Mr. Cabbell come to Mr. Kent's?—Yes.

2107. He and his party came to Mr. Kent's?—Yes.

2108. Whom did his party consist of?—That I am sure I do not know; all the respectable people in the town almost.

2109. Was Adams one of the party?—I did not see Adams; Mr. Brogden was there—the Reverend Mr. Brogden.

2110. Mr. Brogden was there; was he canvassing with Mr. Cabbell?—He did not speak to me.

2111. Was he canvassing with Mr. Cabbell?—He was with the party.

2112. Did you go to the Verulam Arms afterwards?—You mean, after the party came in?

2113. Yes; at any time?—Not that evening.

2114. Did you afterwards?—After I received the money from Mr. Webster I did.

2115. Did you before?—Never before.

2116. Then, as I understand you, you had not been to the Verulam Arms until that time?—Yes.

2117. That is quite true?—Yes; I do not mean to say I had not been there before, but not on that election.

2118. Do you know a Mr. Quin?—I heard his name was Mr. Quin.

2119. You saw somebody whose name you heard was Quin?—Yes.

2120. Where did you see him?—At the Verulam Arms.

2121. Was that after you went to the Verulam Arms?—I do not understand you.

2122. You say you went there?—Yes.

2123. Was it the first time you went there you saw him?—I do not know that I saw him more than once.

2124. Was it when you went there you saw him?—Yes.

2125. Had you seen him before?—Not to my knowledge.

2126. Nor Mr. Wingrave?—Oh yes; I know Mr. Wingrave.

2127. You had seen him before?—Yes, a great many times.

2128. During

*John Stebbing.*

30 March 1841.

2128. During the election?—I do not know that I had ; I know Mr. Wingrave.
2129. At what time was it you say you saw Adams, on the day you have been speaking of?—The day of nomination?
2130. Yes ; what time was it?—I cannot exactly say what time.
2131. What time were you at Mr. Webster's ; you have told us that?—In the afternoon time.
2132. What o'clock?—That it is impossible to say.
2133. You have told us already?—It was in the hours, between three and six ; I cannot exactly say.
2134. What time was it in the day when you saw Adams against the pump?—In the afternoon time.
2135. What time?—It was after the nomination had ceased.
2136. What hour you do not undertake to say?—It is impossible to say ; it was between the hours of one and three, I should say.
2137. What time did you dine?—I do not know that I dined at all.
2138. Did you, or did you not?—I cannot say, I am sure.
2139. Whether it was three or six, you cannot swear?—That I dined?
2140. No ; that you were at Mr. Webster's?—I cannot swear exactly the time.
2141. Will you swear you were there before six?—Yes.
2142. What time were you there?—I will swear I was there before six.
2143. What time were you there?—It is impossible to tell exactly.
2144. What time were you there, about?—What do you mean by about? that has a very extended signification ; I want to know what you mean.
2145. Are you a schoolmaster?—Yes.
2146. Were you there at half-past five?—No, I know it was not ; it was before then.
2147. Were you there at five?—I do not know.
2148. Might it have been about five you were there?—I had no watch, and therefore it is impossible to say exactly.
2149. I did not ask you exactly ; you know what that word means?—Yes, precisely.
2150. I ask you about what time ; tell me as near as may be?—I tell you it was in the afternoon.
2151. Tell me what hour as nearly as you can?—Between two and four.
2152. Just now you said between three and six?—Yes, of course that will take it in.
2153. If it was between three and six, and also between two and four, it was between three and four, you see that?—I told you before I could not say what time exactly.
2154. Was it between three and four ; was it?—I have answered that question two or three times.
2155. Was it between three and four?—It might be.
2156. What time did you go to Mr. Kent's?—After I left the Verulam Arms.
2157. What time was it?—In the evening.
2158. What time in the evening?—After nine o'clock.
2159. How long was it before you went to Mr. Kent's, that you were at Mr. Webster's?—I do not know exactly.
2160. I do not ask you exactly ; about how long was it ; I do not ask you within a quarter of an hour?—I cannot tell within half an hour.
2161. I did not ask you within half an hour ; tell me how long it was?—Some hours.
2162. How many?—I do not know.
2163. You do not know how many?—No, not exactly.
2164. Can you speak to the hour at all?—I would not swear to the hour.
2165. You first went to Mr. Kent's at nine?—I did not say at nine ; I said after nine.
2166. You first went to Mr. Kent's after nine?—I went to Mr. Kent's after nine.
2167. Did you first go to Mr. Kent's after nine?—I had been there on the Saturday night.
2168. You know I am not speaking of Saturday night ; when did you first go to Mr. Kent's, after nine ; you understand the question?—I do not understand the question, nor any one else.



*John Stebbing.*

30 March 1841.

2169. Are you a schoolmaster?—Yes.
2170. Did you first go to Mr. Kent's after nine?—After I went to Mr. Webster's.
2171. Did you go to Mr. Kent's for the first time on the nomination day after nine?—Now, I understand what you mean; I had been at Mr. Kent's before.
2172. When?—On the nomination day.
2173. What time?—I was there in the morning.
2174. What time in the morning?—I had some breakfast there.
2175. After you had been at Mr. Webster's, according to your statement, on the nomination day, was after nine o'clock the first time you went to Mr. Kent's house?—You mean after I had seen Mr. Webster?
2176. Yes.—Yes.
2177. Was that the morning you had breakfasted at Mr. Kent's?—Yes.
2178. Was that before you saw Adams?—Oh yes.
2179. Whom did you see at the house when you were at breakfast there?—Several.
2180. Who?—Mrs. Kent.
2181. Who else?—Mr. Howie.
2182. Anybody else?—Mr. Russel.
2183. Go on?—I did not know any one else; there were several in the house.
2184. Were they breakfasting there, Howie and the others you have mentioned?—Mr. Russel had his breakfast there, and so had I.
2185. Mr. Kent is a grocer, I believe?—Yes.
2186. It is not an inn or a beer-shop?—No.
2187. Nothing of the kind?—No.
2188. Were you breakfasting at the same table with Howie?—I do not know that I was breakfasting at the same table, I was breakfasting in the same room.
2189. Had you any conversation with Howie?—None whatever.
2190. Did you speak to him?—No, not at that time.
2191. Did he speak to you?—No, he did not.
2192. Just tell me the room in which you were breakfasting, and Howie, and Mr. Russel?—Through the shop.
2193. On the ground-floor?—Yes; I have often breakfasted there, they are friends of mine, frequently; I was not treated.
2194. I did not ask you that?—I have been there hundreds of times.
2195. Were you in the room up stairs?—I went up stairs.
2196. Did you see people in the room up stairs?—I saw people in the house.
2197. In the room up stairs?—Yes.
2198. There were two rooms in which you saw people?—Yes, two or three rooms.
2199. From what you have said, you did not pay for your breakfast?—No, I have had breakfast there 40 times, and dinner too; they are friends of mine, and I go when I please; they are friends of mine, and I have a general invitation.
2200. Is that the case with Howie?—Yes, he is a brother-in-law of Mrs. Kent.
2201. Is that the case with Mr. Russel?—I do not know anything about him.
2202. What were the other people doing?—They were passing in and out.
2203. Were they breakfasting?—No.
2204. You said there were other people there?—Yes, Howie and Mr. Russel, and Mr. Kent and Mrs. Kent, and myself.
2205. Were you much in the house in the course of the day?—I was in there till I went out to Adams.
2206. How long was that?—Several hours.
2207. As you were there several hours, did you see many people during that time?—After I had breakfasted down stairs, I went up stairs into a private room.
2208. A private room?—What they call a room by itself.
2209. Whilst you were in that room, did any one come into it; how was that?—Oh yes, Mrs. Kent came into it.
2210. Others?—The servant came into it.
2211. Others?—The children came into it.
2212. Any others; now answer that?—Yes, Lord Grimston was in the room.
2213. Anybody with Lord Grimston?—His brother.
2214. Anybody else?—Lord Ingestrie.
2215. Who else?—Mr. Mackenzie.
2216. Anybody else?—Just give one time to consider; it is a long while back.

I do

*John Stebbing*

30 March 1841.

I do not know that there was anybody else ; I will not say there were not persons in the house as well as myself.

2217. Let us understand what we are talking about ; this was in the morning after you had breakfasted, and before you went out ?—No, after I went out and saw those gentlemen.

2218. I asked you how long you were there before you went out ; you said several hours ; were you in this particular room several hours ?—I went into the front room.

2219. Tell me whom you saw in the front room, if you saw anybody ?—It was empty when I went into it.

2220. Was it empty the whole time ?—I do not know.

2221. Cannot you tell whether anybody came into the room while you were there during several hours ?—I do not think I went into it again, from the time I breakfasted till I went out.

2222. I want to know where you were from the time you breakfasted till you went out ?—I went into two different rooms.

2223. Tell the Committee whom you saw in the two different rooms, if you saw anybody ?—In the front room, I do not think I saw any one.

2224. Whom did you see in the other room ?—I tell you I saw Lord Grimston.

2225. You said just now that was not before you went out ; I am trying to put my questions exactly as you measured, and the space of time that elapsed after you breakfasted, and before you went out ; did you see Lord Grimston in that space of time ?—No, I did not.

2226. Now, as you did not see Lord Grimston, whom did you see ?—I do not know, I am sure.

2227. Did you see anybody ?—Yes, I saw the servants.

2228. Did you see anybody else ; you know I did not ask you about the servants or children ?—Yes, I saw a man that lives there.

2229. Did you see anybody else during the several hours ?—I do not know that I did.

2230. What were you doing there ?—I was sitting there.

2231. Which room ?—The back room.

2232. What were you doing whilst you were sitting in the back room for several hours ?—I do not know that I was doing anything particular.

2233. Do you mean you were sitting there several hours doing nothing ?—Yes.

2234. And during that time you saw nobody ?—I saw several.

2235. Who were they ?—Mrs. Kent.

2236. Do you mean to say you saw nobody during those several hours but Mrs. Kent, the servant, and children ?—Yes.

2237. Will you swear that ?—I recollect as well as you do.

2238. Will you swear that ?—No, I will not.

2239. Did you see anybody else during that period ?—I told you I did not.

2240. Did you see any one else besides the persons you have mentioned, during that time while you were so sitting doing nothing in the back room ?—I told you I could not say ; there were persons passing by the door, which was shut : I could not see them through the door.

2241. Is that your answer ?—Yes, it is my answer.

2242. At what time did you leave Kent's after you had been so sitting in the back room ?—I went down.

2243. Where ?—Down stairs.

2244. Was this back room up stairs ?—Yes, up stairs.

2245. Where did you go when you went down stairs ?—I went and looked out at the shop-door.

2246. Did you see anybody there ?—Yes ; I saw several people in the street.

2247. How long did you remain at the shop-door ?—It might be 10 minutes, or a quarter of an hour.

2248. At the end of that time did you leave Kent's ?—I went up stairs again.

2249. And remained up stairs again ?—I remained there some time.

2250. In the same back room ?—Yes.

2251. Still doing nothing ?—Yes ; still doing nothing.

2252. And seeing nobody ?—The servant came in to do the fire up.

2253. Did you go up stairs alone ?—Yes.

2254. And were alone the whole time ?—Except the servant and children in and out.

219.

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2255. You

*John Stebbing.*  
30 March 1841.

2255. You saw nobody else?—No.
2256. Do you swear that you saw nobody but the servant and children?—I said just now I could not swear to that.
2257. Then you do not swear that?—Of course not.
2258. How long did you remain there the second time you went up?—I do not know.
2259. Was it a considerable time, or not?—It was some time.
2260. Do you mean by that, it was a long time, or not a long time?—(*The Witness hesitated.*)
2261. Do you mean that it was a long time, or not?—It is impossible for any one to say; I did not write it down.
2262. Will you undertake to tell the Committee whether it was a long time, or not?—I did not take particular notice.
2263. Will you say whether it was a long time, or not?—It is impossible for me to state.
2264. Did you go away from the house after that time had elapsed; when you had been up a second time to the back room, did you then go away from the house?—The next time I came down was when I saw Adams standing opposite Mr. Kent's.
2265. You saw him standing there?—Yes.
2266. Did you ultimately leave Mr. Kent's door?—I came down and spoke to him.
2267. After you had come down and spoken to him, did you leave the house?—I went with Adams.
2268. Will you tell the Committee about what time in the day this was; we are a long time coming to it?—It was after the nomination.
2269. Will you tell the Committee what time it was?—I say it was after the nomination.
2270. I did not ask you that?—In the afternoon.
2271. Do you know when the nomination took place?—It took place, I believe, at eight o'clock in the morning; I am not sure; eight or nine o'clock.
2272. There is a long time from eight in the morning till the afternoon?—Yes; but several of the members spoke.
2273. You mean after the nomination was concluded?—Yes.
2274. What time was it you saw Adams in the street, and went with him?—I say it was after the nomination.
2275. Can you tell the Committee what time by the clock it was? if not, say so; can you tell the Committee what time by the clock it was? (*The Witness hesitated.*) Can you answer that question, or not?—I was trying to remember. (*After a pause.*) I cannot say what time it was; I know it was after dinner time.
2276. Had you had your dinner?—At least after one o'clock.
2277. Had you had your dinner?—I had no particular dinner; I had a lunch.
2278. Was it after dinner time, or after lunch time?—I do not know whether you call it lunch or dinner-time; I had had something to eat.
2279. Where at?—At Mr. Kent's.
2280. You had also lunched or dined there on the nomination day, as well as breakfasted there?—Yes; I had often done so.
2281. Did you dine or lunch with the family?—I had some lunch with Mr. Kent.
2282. In what room was that?—Down stairs.
2283. Were you at the nomination?—Outside, do you mean?
2284. Were you at the nomination?—Do you mean at the hustings?
2285. Were you present at the nomination anywhere?—Yes; I heard the speeches.
2286. Were you at Kent's house at that time?—No; when they were speaking, I was opposite the hustings.
2287. Outside or inside the house?—Outside the house.
2288. Opposite the hustings?—Yes, of course.
2289. Outside the house?—Yes; the hustings are not within side.
2290. Will you tell the Committee at what time the nomination was over?—I tell you it was over; I cannot say exactly the time, because I did not take notice of the clock.
2291. About what time?—I do not know about the time; I know it was after I had had some lunch.

2292. How

*John Stebbing.*

30 March 1841.

2292. How long did it last?—That is the same question.
2293. Did it last a long time or not?—There were several speaking there.
2294. Did it last a long time or not; do you remember when it began?—  
I think it was between eight and nine o'clock.
2295. Were you present during the whole nomination?—No, I was not.
2296. Were you there at the beginning?—No.
2297. Did you hear the candidates proposed?—No, I came while they were proposing them.
2298. Whom were they proposing?—I cannot tell.
2299. Either Lord Listowel or Mr. Cabbell?—Of course it must have been one of them.
2300. Were they proposing one of them?—I do not know which.
2301. Were they proposing one of them?—It must have been one of them; there were only two, and one of course.
2302. At what time did the nomination begin when you were there; you were there whilst they were proposing somebody, what time was that?—I do not know exactly.
2303. Then from the time that you went to the hustings, or went out and heard this candidate being proposed, did you remain out till the nomination was over?—Yes, I did.
2304. What did you do when the nomination was over?—Went into Mr. Kent's.
2305. Back again?—Yes.
2306. How long was it before you saw Adams?—I cannot say exactly how long; not very long.
2307. Had you seen Adams at the nomination?—No, I had not.
2308. Where were you when you first saw him?—I told you I saw him standing opposite Mr. Kent's.
2309. Where were you?—At the door.
2310. You saw him standing opposite?—Yes.
2311. Did you go to him, or did he come to you?—I went to him.
2312. How long had you been standing at the door after you went down stairs?—I cannot say.
2313. Long or not?—I cannot say.
2314. How far was Adams standing off the door?—A very little way.
2315. Did he stand there long before you joined him?—I do not know how long, because I cannot tell you how long I had stood at the door.
2316. Had you seen him standing there long before you joined him?—I cannot say.
2317. You were in the front room up stairs before that?—No, I was in the back room.
2318. How long you were at the door, before you went to Adams, you cannot say?—No.
2319. Pray where did you go at the close of the day; where did you sleep that night?—At Mr. Kent's.
2320. Where did you sleep the second night, the polling night?—At home, I think.
2321. Have you slept at home ever since?—No, I have not.
2322. How long did you sleep at home after the polling day?—I do not know, I am sure.
2323. How many nights?—I cannot say.
2324. Did you sleep there more than one?—Yes.
2325. Two?—I tell you I do not know the number.
2326. Will you swear you slept there more than one night?—In my own house?
2327. Yes?—Yes, it is most likely I should sleep there.
2328. Will you swear you slept in your own house more than one night after the polling night?—Yes.
2329. Did you sleep there a week?—Yes; where should I sleep?
2330. At your own house?—Yes. I frequently slept at Kent's.
2331. Did you sleep at Kent's the night after the polling night?—I told you I slept at home.
2332. Did you sleep at Kent's afterwards?—Yes, I may have slept there; I have often gone there and stopped there; it was like a friend's house.
- 219.

*John Stebbing.*

30 March 1841.

2333. Just carry your recollection back to the time you left Mr. Webster's house; I understood you to say that you went to the Verulam Arms; did you?—I did.
2334. Did you go there straight; did you go at once?—I cannot say exactly whether I went straight down or round the streets.
2335. I did not use the word in that sense?—There are two ways of using it.
2336. Did you go there forthwith?—That is, directly.
2337. If you please; did you go there directly?—Not that very moment.
2338. I did not say that very moment?—You said directly.
2339. Did you go there directly?—Not that very moment; that is, directly.
2340. Did you go alone?—No, I did not.
2341. Whom did you go with?—With Adams.
2342. Did you go anywhere else before you went to the Verulam Arms?—I do not know.
2343. Just recollect yourself; after you left Mr. Webster's you went to the Verulam Arms; I ask you if you went anywhere else before you went to the Verulam Arms?—No; I cannot say; I do not remember.
2344. Will you swear you did not?—I will neither swear the one nor the other.
2345. Will you tell the Committee how long it was after you left Mr. Webster's before you got to the Verulam Arms?—I told you I did not know.
2346. Do you mean you cannot recollect?—It is impossible, unless you write it down.
2347. Did you see anybody besides Adams in going from Mr. Webster's to the Verulam Arms?—Such a day as that we should see many persons walking about.
2348. Did you speak to any other persons that you saw?—I am sure I do not know; I might, just to say how do you do, or something of that kind.
2349. Was that all that passed?—I cannot swear that.
2350. You will not swear whether you went anywhere else, or how long you were in going?—It is impossible.
2351. At what time did you get to the Verulam Arms?—I do not know exactly what time it was.
2352. I do not ask you exactly; tell me as near as you can the time you got to the Verulam Arms?—I do not know, I am sure.
2353. Do I understand you to say you cannot tell the Committee at all what time you got there; how is that?—I do not know; I did not look at the clock.
2354. Was it within half an hour of your leaving Mr. Webster's?—I said I could not tell.
2355. Was it within an hour of it?—I said before I could not tell you, and I cannot now.
2356. Was it within two hours after your leaving Mr. Webster's?—I do not know.
2357. Whether it was half an hour or two hours, you are not prepared to say?—I do not know exactly.
2358. Just attend to the question; I do not ask you exactly?—I understood the question exactly.
2359. Whether it was half an hour or two hours, you are not prepared to say?—I cannot say.
2360. How long were you at the Verulam Arms?—That I cannot undertake to say.
2361. Were you there half an hour?—I do not know.
2362. Were you there an hour?—I do not know.
2363. Were you there two hours?—I do not know.
2364. Did you go from the Verulam Arms to Kent's?—Yes, I did.
2365. How long were you going from the Verulam Arms to Mr. Kent's?—Not long.
2366. During the whole time that passed between your leaving Mr. Webster's and going to Mr. Kent's, were you at the Verulam Arms or were you not?—I do not understand the question.
2367. You went from Mr. Webster's to the Verulam Arms?—I have said so.
2368. You were in the Verulam Arms?—Yes.
2369. And went from there to Mr. Kent's?—Yes.
2370. How long a time elapsed between your leaving Mr. Webster's and arriving at

*John Stebbing.*30 March 1841.

at Mr. Kent's; what was the period of time?—It was in the evening I went to Mr. Kent's.

2371. What period of time passed between your leaving Mr. Webster's and going to Mr. Kent's?—I do not know the period.

2372. Can you give any answer to the Committee as to the length of time that passed?—No, I did not keep any account.

2373. What were they doing at the Verulam Arms?—What were they doing?

2374. Yes?—Who?

2375. What were you doing there?—I sat down.

2376. What did you do when you sat down; how were you occupied?—I had a glass of wine.

2377. Is that all you had?—That was all I had.

2378. Is that all you did?—No, I came out again.

2379. If that is all you did, went in and sat down, and took a glass of wine, and came out again, tell the Committee how long a period of time that occupied?—I showed my money there.

2380. Did you give it up there?—No.

2381. How long did all that occupy at the Verulam Arms?—I do not know.

2382. And you cannot tell?—No.

2383. That night you slept at Mr. Kent's?—The nomination night you mean?

2384. Yes; is not that so?—Yes, I slept there.

2385. You cannot tell us at what time you went to Mr. Kent's?—In the evening.

2386. Will you tell the Committee how it was you came to go there?—How I came to go to Mr. Kent's?

2387. Yes?—I frequently go there.

2388. How came you to go there that evening?—Because they are friends of mine.

2389. Did you or not expect to see Howie there when you arrived?—That I am sure I did not.

2390. Did you expect to see him there in the course of the evening?—No.

2391. Will you swear that?—I will swear that.

2392. Did you get any instructions at the Verulam Arms as to going to Mr. Kent's or not?—Instructions?

2393. Yes; you know what I mean; did you get any instructions at the Verulam Arms?—No, because I knew the way; I did not need to be instructed.

2394. Do you suppose that I meant that?—I did not know what you meant; instruct is to point out, to lead.

2395. Was it pointed out to you that you should go to Mr. Kent's from the Verulam Arms?—No.

2396. Was it suggested to you or stated to you, that you should go to Mr. Kent's?—No, it was not.

2397. You mean to swear that?—Yes.

2398. You mean to swear you had no instructions to go to Mr. Kent's?—No.

2399. *Committee.*] Do you mean you had no instructions?—I had no instructions to go to Mr. Kent's.

2400. At all events you went to Mr. Kent's?—Yes.

2401. And you slept there that night?—Yes.

2402. Now will you tell me how long it was before you went to bed after you got there?—I do not know exactly.

2403. You cannot fix that period of time either?—It is not a general thing to take notice how long it is after you come in before you go to bed.

2404. I ask you if you can tell or not?—No.

2405. Can you tell what time elapsed between your arriving at Mr. Kent's and going to bed?—No, I cannot.

2406. Where were you after your return to Mr. Kent's from the Verulam Arms, in what part of the house?—In what they call the kitchen, or the room that they live in.

2407. Did you remain there the whole time; was that the room you remained in?—Yes.

2408. Till you went to bed?—Yes.

2409. Then, as I understand you, when you went to Mr. Kent's from the Verulam Arms you went into the room in which they lived, and were there till you went to bed?—Yes.

2410. That is the fact?—Yes.

*John Stebbing.*

30 March 1841.

2411. Do you mean to say you did not go out again?—No, I did not.  
 2412. Did you go out of Mr. Kent's house or not?—No, I did not.  
 2413. Did you go out of the room?—I went from the room to bed.  
 2414. Is that the only time you went out of the room?—Yes, it is.  
 2415. Did you go to Mr. Kent's with Adams?—No, I did not.  
 2416. Did you see Adams there, at Mr. Kent's, after you arrived there?—Oh, no.  
 2417. You did not?—No.  
 2418. Do understand me. Do you mean to state you did not see Adams there from the time you arrived at Mr. Kent's till you went to bed; do you mean to state that?—I did not see Adams.  
 2419. When did you see Howie after your return to Mr. Kent's; we stick to that period; now answer it; when did you see Howie?—I saw Howie at the Verulam Arms.  
 2420. Did you go back with him to Mr. Kent's?—No, I did not.  
 2421. Did you see him at Mr. Kent's afterwards?—I am sure I do not know; I am sure I forget.  
 2422. Will you tell me who you did see that night at Mr. Kent's?—I saw Mrs. Kent.  
 2423. And the children?—The servants.  
 2424. Mr. Kent himself?—Yes.  
 2425. Did you see anybody else before you went to bed?—I think there was a person came in of the name of Osborne; but I am not sure; I think he came in.  
 2426. You are not sure of that?—No; he is often in the house.  
 2427. And you think he came in?—Yes, but I am not sure.  
 2428. Is Osborne connected with the election at all, is he a voter?—I believe he is.  
 2429. Do I understand you, that you saw nobody on that evening except the family and Mr. Osborne?—I think Mr. Osborne came in.  
 2430. You do not pledge yourself to that, but you think he came in?—Yes.  
 2431. There was not a party of friends to tea there?—I was not there to tea: there may have been perhaps.  
 2432. Was not there a party of friends there that evening?—There was the family.  
 2433. I mean friends, in contradistinction to the family; was there a party of friends there?—No, I did not see anybody.  
 2434. Then, if I understand you, according to your recollection, Osborne might have been there, but you saw no one else?—I think he came in; he is so accustomed to come in.  
 2435. You may be right or wrong as to him?—Yes.  
 2436. You have given an account to the Committee about the money you received; did you give that money up to anybody?—Did I give it up to anybody?  
 2437. Did you give it to anybody, if you do not like the phrase "up"?—Yes.  
 2438. To whom did you give it?—I gave it to Lord Grimston.  
 2439. Did you give it in the parcel, or how?—In the parcel.  
 2440. Was the parcel sealed?—Yes.  
 2441. Who made the parcel up?—Howie.  
 2442. Where?—At Mr. Kent's.  
 2443. When?—I do not know when.  
 2444. Was it on that evening that Howie made up the parcel?—I think it must be that evening.  
 2445. Were you present?—Yes, I was present.  
 2446. What part of the house?—I do not know; it was in a room, I know  
 2447. You do not know in what part of the house; who was there besides, or was there anybody there?—I do not know; I was not in there a minute.  
 2448. In where do you mean?—In a room; I did not say *the* room; there is a great deal of difference.  
 2449. What room do you speak of when you say room?—A room means any room.  
 2450. Do you mean to say you saw Howie do up that parcel in any room, or in any particular room?—In a room.  
 2451. And you were present?—Yes.  
 2452. How long; a minute?—It might be more than a minute.  
 2453. Where did the sealing-wax come from?—He had it in his hand.

2454. Did

*John Stebbing.*

30 March 1841.

2454. Did he take it into the room himself?—He was in the room when I went.

2455. Was the sealing-wax there?—He sealed it; where he got the sealing-wax from I cannot say.

2456. As I understood you to say, Howie had the sealing-wax in his hand?—I do not know that he had the sealing-wax when I entered it.

2457. Where was he when you entered?—He was in the room.

2458. What part of the room?—I cannot say.

2459. Was he sitting or standing?—Standing.

2460. Where was this room?—In the house.

2461. What part of the house; up stairs or down stairs, or where?—Up stairs.

2462. Was it a back room or a front room up stairs; you have told us of both; was it a back room or a front room?—I do not know; I could not swear which room it was.

2463. Whether it was a front room or a back room?—I think it was a back room, to the best of my recollection; I think it was.

2464. As I understand you, you say you were there about a minute?—A minute or two; more than a minute.

2465. You say more than a minute; was it five minutes or ten minutes?—I cannot say, I had no watch to look at, I do not exactly know the time; it was a very short time I know.

2466. Was anybody else there besides you and Howie?—I told you just now I could not tell, I was not certain.

2467. You saw Howie seal the parcel?—Yes, I saw Howie seal the parcel.

2468. Was there a light upon the table?—Yes, or else he could not have sealed it.

2469. Did Howie take a light up, or how was that?—The light was on the table when I went in.

2470. What seal was it sealed with?—It was not my seal.

2471. What seal was it sealed with?—I believe it was Howie's seal, but that I will not swear.

2472. Did you see Howie take the seal from his pocket?—I do not particularly remember; I know it was sealed by three seals.

2473. *Committee.*] By three distinct seals, or three impressions?—Three impressions.

2474. With the same seal?—I believe so, but I know that I saw him seal it.

2475. *Mr. Austin.*] When did you see Lord Grimston; you said you saw him just now; when was it?—I saw him the next day in the afternoon.

2476. Where did you see Lord Grimston?—At Mr. Kent's.

2477. Did he come there; were you there when his Lordship came?—I was there when he came in.

2478. Had you had your dinner?—This is the second day; I am not speaking of the nomination day now.

2479. Just so; had you dined when Lord Grimston came in?—I do not think I had any particular dinner that day, I was not very well.

2480. He came in in the afternoon?—Yes.

2481. What do you call the afternoon?—The afternoon is when the sun begins to decline.

2482. Had the sun began to decline?—After 12 o'clock I believe it does.

2483. I do not ask you what happens every day, but whether it had begun to decline when you saw Lord Grimston?—It had.

2484. How long had it begun to decline?—I cannot tell you that; I know it was after 12 o'clock when Lord Grimston came in.

2485. Can you tell me how long it was after 12?—It might be between the hours of 12 and three, or it might be between 12 and four; I cannot say; he came in I know.

2486. Then you gave him the parcel that had been sealed?—I gave him a parcel; at least his brother wrote a letter first.

2487. *Committee.*] And you gave the parcel to Lord Grimston?—Yes.

2488. *Mr. Austin.*] How long did you remain at St. Alban's after the polling-day?—How long did I remain in St. Alban's?

2489. Yes; when I say remain, I mean live or reside there?—I know what you mean.

2490. How long was it?—I do not know exactly.

2491. Was



*John Stebbing.*

30 March 1841.

2491. Was it several days or not?—It might be; I am sure I do not know.
2492. Did you go away from St. Alban's at any time?—Yes, I did.
2493. Where did you go?—I went to Colney Heath.
2494. Whenever it was you left St. Alban's, you went to Colney Heath?—Yes.
2495. How long did you remain at Colney Heath?—Till I came here.
2496. By whose directions did you go to Colney Heath?—By my own directions.
2497. Where did you go to at Colney Heath?—A friend of mine.
2498. The name?—The name of Grey.
2499. Do you mean to state you had no directions or instructions to go from St. Alban's, at the time you left St. Alban's?—My friends wished me to go,
2500. What friends?—Mr. Gibson, and Mr. Sanders, a clergyman.
2501. Anybody else?—I do not know of anybody else.
2502. Were you supplied with any funds?—No.
2503. For the purpose of going to Colney Heath?—No, certainly not, not a halfpenny.
2504. How long did you live at Colney Heath?—It may be three weeks or more.
2505. Are you to pay for your maintenance there, or lodging?—I have paid; at least it was paid; every week it was paid out of my money.
2506. Who paid it?—My mother.
2507. You have been out of employment for two years?—Yes.
2508. How have you been living during that time?—Why in a very ill state of health.
2509. I mean how have you been getting your living?—I have been down to my friends at Ipswich.
2510. Do you mean you have been living with your friends there?—With my own sister.
2511. For the whole of the two years?—No, part of it.
2512. Where have you been living the rest of the two years?—I cannot say.
2513. With friends?—Yes.
2514. Always with friends?—Yes.
2515. Never employed?—I wrote for Mr. Gibson, the solicitor, for a fortnight.
2516. You were employed for Mr. Gibson?—Yes, I was, but I was obliged to give it up through illness.
2517. Were you employed throughout any other part of the two years?—Mr. Bennett came to me and asked me to make out some of his bills; I attempted to do it, but could not.
2518. When did you go to Ipswich?—I have been down there twice.
2519. When did you first go there?—Last year, I think it was.
2520. Was not it longer than that ago?—I am sure I do not know.
2521. We will take it about last year; have you been there since?—It was the year before last, and I went last year too.
2522. I believe you had been out of health before you went to Ipswich?—A very long while.
2523. The malady you were labouring under was a mental malady?—That I cannot tell; my mind does not seem much out of order.
2524. But just recollect if you can, were not you out of health before you went to Ipswich the first time?—Yes, I had been out of health a long time.
2525. Were you confined?—Yes.
2526. For a considerable time?—Yes.
2527. When you got better, you went to Ipswich?—Yes; I went down to Ipswich.
2528. Have you not attributed the illness you speak of, to Dr. Webster?—I believe it was in a great measure brought on through Mr. Webster's neglect.
2529. You believe it was brought on through Mr. Webster's neglect?—Yes; certainly I do.
2530. You believe it now?—I certainly do.
2531. Have you always believed it?—Yes.
2532. From the time the supposed neglect happened?—Yes.
- 2532\*. Have you not expressed a strong feeling of antipathy to Dr. Webster on that account?—I should think so.
2533. Have you?—Certainly.

2534. Have

*John Stebbing.*

30 March 1841.

2534. Have you not frequently stated in the presence of other persons, you would be revenged on Dr. Webster?—I may have said so.
2535. Have you said so?—I believe I have.
2536. Do you know Jonathan Lawrence?—Oh, yes.
2537. Have you stated in the presence of Jonathan Lawrence, you would be revenged on Mr. Webster?—I might have done so.
2538. Have you done so?—I dare say I have.
2539. Have you said so in the presence of Elizabeth Dollomore?—I believe I have.
2540. Is she the nurse that took care of you?—No.
2541. Is she a nurse?—Yes.
2542. She has not acted in that capacity towards you?—No; she was a lodger with me, she had a part of the house.
2543. You say, you believe you have made this statement in the presence of those two persons; have you not made it in the presence of other persons?—I may.
2544. Have you?—I dare say I have.
2545. Have you made this statement recently?—I do not think I have.
2546. Just recollect yourself, whether you have not made this statement recently?—I cannot say; do you mean within the last week?
2547. No, within the last half year?—I dare say I have.
2548. Have you not been in the habit of stating you would be revenged upon Mr. Webster?—Not be revenged upon him; I felt very much hurt at the ill-treatment I had received from him, and so would any one.
2549. Have you not in fact entertained a strong antipathy against Mr. Webster?—I cannot like him, of course.

## Re-examined by Mr. Talbot.

2550. What made you wish to go to Colney Heath?—My friends wished me to go.
2551. Upon what ground?—Because they thought I should be better away from home; I was advised by a physician in London.
2552. In whose company did you come to London from Colney Heath? did you come from Colney Heath to London?—I went from St. Alban's to Colney Heath.
2553. When you left Colney Heath, in whose company did you come?—I do not know.
2554. Did you refuse to come without the protection of a police officer?—I refused to come, my health was so bad, which I stated to Mr. Osbaldistone before.
2555. You came here under the Speaker's warrant?—I suppose so: he said I must come; I was in bed.
2556. Suffering from illness?—Yes, of course, very ill.
2557. Is Mr. Grey, at Colney Heath, the schoolmaster?—Yes.
2558. Did you know him before?—I was never intimate with him; I knew he kept a school there.
2559. And you have been a schoolmaster?—Yes.
2560. Have you been in the habit of frequenting Mr. Kent's house as a friend?—Yes, hundreds of times; I have known him five years.
2561. Have you received acts of kindness from him?—Yes, any time I liked to go in.
2562. Does that apply to sleeping there?—Yes; at any time I chose.
2563. Mr. Russel is a gentleman of independent property?—Yes.
2564. Was it the usual family breakfast?—Yes; we had nothing but coffee and some bread and butter.
2565. Had you been in the habit of spending some time in rooms alone in Mr. Kent's house?—Yes, at different times.

## Examined by the Committee.

2566. Is Mr. Kent's house near the hustings?—Very near.
2567. Opposite?—Near the side of it.
2568. You have said that Lord Grimston was in the room, with his brother-in-law and Lord Ingestrie?—He came into the room.

*John Stebbing.*  
 30 March 1841.

2569. On what day was it that Lord Grimston and his brother, and Lord Ingestrie and Mr. M'Kenzie, came into the room?—The day of the election.  
 2570. Not the day of nomination?—No; the day of election.

[The Witness withdrew.]

*W. F. M'Kenzie,*  
 Esq. M.P.

*William Forbes M'Kenzie, Esq.* a Member of the House, was called in; and having been sworn, was Examined by Mr. *Hildyard*, as follows:

2571. HAVE you business in Scotland which makes you anxious to go there?—Yes, I have.  
 2572. Did you go down to the last election at St. Alban's?—I did.  
 2573. Were you there on the day of the polling?—I was.  
 2574. Did you, when you were at St. Alban's, become acquainted with a voter of the name of John Stebbing?—I did become acquainted with Mr. Stebbing.  
 2575. Did you see that voter on the day of the polling?—I did.  
 2576. Where was it?—It was in the house of Mrs. Kent, as I understood.  
 2577. Who were present beside the voter?—I saw them frequently during the day, and various people were present.  
 2578. Were you present when Stebbing delivered anything to Lord Grimston?—I was.  
 2579. What was it?—It was a small parcel.  
 2580. Did Stebbing, upon that occasion, dictate a letter to Mr. Robert Grimston?—Yes, he did.  
 2581. Did Mr. Robert Grimston write, in consequence, the substance of what was dictated?—He wrote the substance of what Stebbing said; I should say, the very words.  
 2582. Was that note signed by Stebbing after it was written?—It was.  
 2583. Was anything enclosed in that note?—A small parcel was enclosed in it.  
 2584. When you speak of a small parcel, will you give us some notion of its size?—(*The Witness folded up a piece of paper to about an inch wide and three inches long.*) I should say it was about that size.  
 2585. Was the parcel open or sealed?—Sealed.  
 2586. How many seals?—One on the centre part, and one at each end.  
 2587. That parcel was enclosed in a note written at Stebbing's instigation?—Yes, it was.  
 2588. Was that note taken by Lord Grimston to Dr. Webster's house?—It was.  
 2589. Was that in consequence of the desire of Stebbing?—At his particular request.  
 2590. Did you accompany Lord Grimston upon that occasion?—I did; I accompanied him to the house.  
 2591. Did you go into the house?—I did not; I told Lord Grimston I had no business in Mr. Webster's house, and I preferred remaining outside.  
 2592. Did Lord Grimston enter the house?—Yes.  
 2593. How long was he absent?—Under five minutes.  
 2594. When he returned did you see Dr. Webster on that occasion?—I saw Dr. Webster, while he was in the house, coming up the street.  
 2595. While Lord Grimston was in the house?—Yes.  
 2596. Did Mr. Webster come up to the house before Lord Grimston had left it?—He came up to the house before Lord Grimston had left it, and I said something; my observation detained him at the door; that is all I mean to say.  
 2597. When Mr. Webster arrived, did Lord Grimston address him?—Yes.  
 2598. Tell us what Lord Grimston said?

Mr. *Cockburn* objected to the question.

The question was waived for the present.

2599. You say Lord Grimston addressed him?—He did.  
 2600. After Lord Grimston had addressed him, did Mr. Webster make any answer?—He did not; he looked exceedingly crestfallen.  
 2601. What was it that Lord Grimston said to Dr. Webster; it must have been heard by Dr. Webster, of course?—Yes.  
 2602. Mr. *Austin*.] Were you and Lord Grimston alone?—No.

2603. Was

2603. Was there another party?—There were others.

*W. F. M'Kenzie,*  
Esq. M.P.

2604. Just tell me who they were?—A man they call Joe Russel was one; he entered the house with Lord Grimston.

30 March 1841.

2605. Any one else?—One other; I am not sure whether it was Mr. Robert Grimston or Mr. Brogden; I was so much mixed up with the whole party during the day, I cannot tell which it was.

[The Witness withdrew.]

Mr. *Cockburn* objected to anything Lord Grimston said to Mr. Webster being received in evidence, it being a declaration made by a third party to Dr. Webster, the agency of Dr. Webster not having been proved; and submitted that it came directly within the last resolution of the Committee.

Mr. *Hildyard*, in answer to the objection, contended that he was entitled to give the declaration in evidence; that the petitioners were now proving acts of bribery having a tendency to prove the agency of Mr. Webster, and his object was to prove that Lord Grimston said to Mr. Webster, "I have been delivering into the hands of your daughter a parcel containing money —"

Mr. *Austin* objected to Mr. Hildyard's right to make the statement he was now submitting to the Committee; that he was now telling the Committee what it was the witness would prove, when the Committee had yet to decide whether the question should be put; and that the Committee would direct Mr. Hildyard to refrain from stating what the witness would prove until the Committee decided that the declaration should be received.

Mr. *Hildyard* stated that he was now in the course of proving the agency of Mr. Webster, and founded his right to take the position he now took upon the resolution to which the Committee had come, that he was to be at liberty to go into evidence of acts of bribery in order to prove the agency of Mr. Webster; that if there was any objection to his stating directly what Mr. M'Kenzie was about to prove, he would argue on the hypothesis that that would be evidence that would be given, although the Committee expressed an opinion yesterday against hypothetical cases being put; and proceeded to argue in answer to the objection, and referred to Roscoe on Evidence, and the 2d volume of Starkie.

Mr. *Cockburn*, in reply, contended that the Committee had already decided to-day that declarations made in the presence of Mr. Webster could not be received in evidence until the agency was proved.

[Adjourned till To-morrow, Eleven o'clock.]

*Mercurii, 31<sup>o</sup> die Martii, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

The Names of the Members were called over;—All present.

31 March 1841.

The committee-room was cleared.

After some time, the Counsel and parties were again called in, and informed that the Committee had come to the following resolution:

That the evidence of what passed between Lord Grimston and Dr. Webster may be received; but that that evidence should be given by Lord Grimston.

Mr. *Hildyard* stated, that since he had lost the honour of appearing before the Committee, he had thought it his duty, in conjunction with Mr. Talbot, seriously

31 March 1841.

seriously to consider, after the intimations they had received of the view the Committee had taken of the evidence and the course of proceeding in this investigation, as well as they could collect the opinions and views of the Committee from their first decisions, whether it was probable they could, by protracting the investigation, establish the charges contained in their petition; and that they had come to the conclusion, that as the Committee so entirely dissented from the views which they entertained, that it was hardly possible, or at least not probable, that they should succeed, that they were neither justified on behalf of their own clients, nor with regard to those who opposed them, in proceeding further in this inquiry.

Mr. *Austin* stated, that that being the state of the case, he had nothing to do but to lay down his arms; that he was very glad his learned friends had come to that conclusion, and that the Committee would only have now to come to their usual resolutions.

The committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had

[Adjourned to To-morrow, One o'clock.

*Jovis, 1<sup>o</sup> die Aprilis, 1841.*

E. A. SANFORD, Esq. IN THE CHAIR.

1 April 1841.

The Names of the Members were called over;—All present.

After some time the Counsel and parties were again called in, and informed

That William Earl of Listowel is duly elected a burgess to serve in this present Parliament for the borough of St. Alban's:

That the petition of Thomas Foreman Gape and John Samuel Story, electors of the said borough, did not appear to the Committee to be frivolous or vexatious:

That the opposition to the said petition did not appear to the Committee to be frivolous or vexatious.

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CANTERBURY ELECTION.

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## PROCEEDINGS OF THE CITY OF CANTERBURY ELECTION COMMITTEE.

NAMES of the MEMBERS of the Select Committee appointed to try and determine the Matter of the Petition of George Hobday and others, Electors, complaining of an undue Election and Return for the City of Canterbury :—

- |   |  |   |
|---|--|---|
| 1. EDWARD BULLER, Esq.<br>2. JAMES WEIR HOGG, Esq.<br>3. WILLIAM JOHN BLAKE, Esq. |  | 4. JOHN JAMES HOPE JOHNSTONE, Esq.<br>5. WILLIAM HEALD LUDLOW BRUGES, Esq.<br>6. PATRICK CHALMERS, Esq. |
|---|--|---|

CHAIRMAN, HON. ROBERT CLIVE.

*Mercurii, 31<sup>o</sup> die Martii, 1841.*

Members' Names called over ;—All present.

The committee-room was cleared.

The Committee deliberated, and came to the following Resolutions :—

*Resolved*, That Counsel be not allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

*Resolved*, That if costs be demanded by either party, under clauses 80 to 84 of 1 Vict. c. 28, the question must be raised immediately after the decision on that particular case.

*Resolved*, That the Committee do not expect the Counsel for the Petition against the return to state the facts respecting the individual cases of bribery and of treating which he intends to bring forward merely with a view to invalidate the particular votes ; but they do expect that, with respect to cases of bribery or treating which it is intended to bring home to the sitting Member or his agents, the Counsel will now state the names of the electors bribed or treated, and those of the persons who actually gave the bribes or who treated. The Committee, however, reserving to themselves a power, on the special application of Counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

Ths parties were called in.

Petition of George Hobday and others, electors, read.

Mr. Austin and Mr. Cockburn appeared as Counsel in support of the Petition.

Messrs. Parkes & Preston, as Agents.

For the sitting Member :—

Mr. Serjeant Wrangham and Mr. Talbot appeared as Counsel.

Messrs. Lyon, Barnes & Ellis, as Agents.

The above Resolutions of the Committee were communicated to the parties.

Mr. *Austin* stated, that having carefully reviewed the facts of the case, he did not conceive there was such conclusive proof as justified him to advise his client to prosecute the inquiry ; he therefore stated, that he did not propose to prosecute the petition.

Mr. Serjeant *Wrangham* heard, and stated that he was perfectly satisfied that the Committee should come to the usual Resolutions.

The committee-room was cleared.

The Committee deliberated, and—

*Resolved*, That the Honourable George Percy Sydney Smythe is duly elected a citizen to serve in this present Parliament for the City of Canterbury.

*Resolved*, That the Petition of George Hobday and others does not appear to be frivolous or vexatious.

*Resolved*, That the opposition to the said Petition does not appear to be frivolous or vexatious.

The parties informed thereof.

*Ordered*, To Report.

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## MINUTES OF EVIDENCE.

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*Mercurii, 31<sup>o</sup> die Martii, 1841.*

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THE HONOURABLE ROBERT CLIVE, IN THE CHAIR.

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The Names of the Members were called over ;—All present.

31 March 1841.

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The Committee-room was cleared.

After a short time the Counsel and parties were again called in.

The Petition of George Hobday and others was read.

Mr. Austin and Mr. Cockburn appeared as Counsel for the Petitioners.

Agents : Messrs. Parkes & Preston.

Mr. Serjeant Wrangham and Mr. Talbot appeared as Counsel for the sitting Member.

Agents : Messrs. Lyon, Barnes & Ellis.

The *Chairman* announced that the Committee had come to certain Resolutions, which they had directed him to communicate, as follows :

That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

That if costs be demanded by either party, under clauses 80 to 84 of 1 Vict. c. 28, the question must be raised immediately after the decision on that particular case.

That the Committee do not expect the Counsel for the Petition against the return to state the facts respecting the individual cases of bribery and of treating which he intends to bring forward merely with a view to invalidate the particular votes ; but they do expect that, with respect to cases of bribery or treating which it is intended to bring home to the sitting Member or his agents, the Counsel will now state the names of the electors bribed or treated, and those of the persons who actually gave the bribes or who treated. The Committee, however, reserve to themselves a power, on the special application of Counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

Mr. *Austin* stated that, having carefully reviewed the facts of the case, which, if it had proceeded, would have occupied a considerable time, and occasioned to each of the parties a considerable expense, he was not able to advise his client that there would have been such satisfactory proof to connect the acts complained of with the sitting Member or his agents as would justify him in prosecuting the petition ; that, under these circumstances, he had had a communication with the Counsel for the sitting Member, and that his learned friend, concurring in the view he took of the case, was satisfied that the proceedings should drop as they



31 March 1841.

are at present ; and that he felt he should best discharge his duty by stating that he did not propose to prosecute the petition.

Mr. Serjeant *Wrangham* stated that, after the communication he had received from Mr. Austin, he conceived he had exercised a sound discretion in the course he had taken, and had behaved in the most handsome manner to the sitting Member, in announcing that decision at the earliest moment after it had been come to ; and that therefore, on the part of the sitting Member, he was perfectly satisfied that the Committee should come to the usual resolution as to the election, and that the sitting Member should retain his seat ; and that he had no wish, but, on the contrary, should deprecate any further resolution at the hands of the Committee.

The Committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had determined,—

1st. That the Honourable George Percy Smythe is duly elected a citizen to serve in the present Parliament for the city of Canterbury.

2d. That the Petition of George Hobday and others, electors, does not appear to this Committee frivolous or vexatious.

3d. That the opposition to the said Petition does not appear to this Committee frivolous or vexatious.

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WALSALL ELECTION.

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## LIST OF WITNESSES.

*Mercurii, 24<sup>o</sup> die Martii, 1841.*

Mr. James Richard Naylor	-	-	-	-	-	-	-	p. 100
John Whitgrave, Esq.	-	-	-	-	-	-	-	p. 100
Martha Hatch	-	-	-	-	-	-	-	p. 102
Mr. Charles Brookes	-	-	-	-	-	-	-	p. 107
Joseph Marlow	-	-	-	-	-	-	-	p. 118

*Jovis, 25<sup>o</sup> die Martii, 1841.*

Joseph Marlow	-	-	-	-	-	-	-	p. 121
Simeon Burns	-	-	-	-	-	-	-	p. 126
Samuel Tunks	-	-	-	-	-	-	-	p. 132
Mr. Henry Busst	-	-	-	-	-	-	-	p. 134
Simeon Burns	-	-	-	-	-	-	-	p. 135
Mr. Henry Busst	-	-	-	-	-	-	-	p. 136
Thomas Price	-	-	-	-	-	-	-	p. 140
William James	-	-	-	-	-	-	-	p. 143
Samuel Patch	-	-	-	-	-	-	-	p. 145

*Veneris, 26<sup>o</sup> die Martii, 1841.*

Samuel Patch	-	-	-	-	-	-	-	p. 150
William Winter Lates	-	-	-	-	-	-	-	p. 185

*Sabbati, 27<sup>o</sup> die Martii, 1841.*

William Winter Lates	-	-	-	-	-	-	-	p. 186
James Kilner	-	-	-	-	-	-	-	p. 193
Elizabeth Taylor	-	-	-	-	-	-	-	p. 222

# PROCEEDINGS OF THE WALSALL ELECTION COMMITTEE.

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NAMES of the MEMBERS of the SELECT COMMITTEE appointed to try and determine the Matter of the Petition of *Joseph Hickin*, complaining of an undue Election and Return for the Borough of *Walsall*.—

- |                                |                           |
|--------------------------------|---------------------------|
| 1. HENRY CHARLES STURT.        | 4. WILLIAM BIRD BRODIE.   |
| 2. WILLIAM GOODENOUGH HAYTER.  | 5. CHARLES WILLIAM PACKE. |
| 3. Right Hon. Sir WILLIAM RAE. | 6. JOHN BOWES.            |

CHAIRMAN, LORD ELIOT.

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*Mercurii, 24<sup>o</sup> die Martii, 1841.*

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THE names of the Members were called over, and all being present, the Petition of Joseph Hickin was read.

Mr. Austin, Mr. Cockburn and Mr. Serjeant Merewether appeared as Counsel in support of the Petition.

Mr. Serjeant Wrangham and Mr. Talbot appeared as Counsel for the Sitting Member.

The room was cleared.

The Committee deliberated on the course of proceeding to be adopted in this case, and came to the following resolutions :—

“ That Counsel will not be allowed to go into matter not referred to in their opening statement, without a special application to the Committee for permission to do so.

“ That if costs be demanded by either party under clauses 80 to 84 of 1 Vict., c. 28, the question must be raised immediately after the decision on that particular case.”

The parties were called in, and the resolutions read to them.

The name of Mr. Coppock was given in as Agent for the Petitioner.

The names of Mr. Freshfield and Mr. Horatio Barnet were given in as Agents for the Sitting Member.

Ordered,—That no witnesses, except those under examination, and the Agents on either side, be admitted, under pain of disqualification.

Mr. Austin opened the case on the part of the Petitioner.

On a question being put to Mr. Austin by the Committee, as to whether he was prepared to state the names of the persons he proposed to prove as having been treated at the election,—

Mr. Austin stated, he was not prepared to do so; he intended merely to prove a general system of treating.

Mr. Serjeant Wrangham stated, that he should decidedly oppose such a mode of proceeding.

The room was cleared.

The Committee deliberated, and came to the following resolution with regard to *treating*, considered as distinct from *bribery*, in its ordinary sense. The Counsel for the Petitioner having stated, in answer to a question put by the Chairman, that he had abandoned that part of the case.

“ That the Committee will permit the Counsel for the Petition to adduce evidence of treating, without stating the names of the electors said to have been treated; but that they will expect proof to be given that some of the persons so treated were electors.”

Parties called in and informed thereof.

James Richard Naylor, Esq., of the Crown-office, sworn and examined; produced Writ, Precept and Return.

John Whitgrave, Esq., mayor of Walsall, sworn and examined; produced Poll-book.

Cross-examined by Mr. Serjeant Wrangham.

Mr. Serjeant Wrangham stated that he proposed to defer the completion of the cross-examination till a future time.

Mr. Austin objected to such a course, and contended that Mr. Serjeant Wrangham was bound now to complete his cross-examination.

The room was cleared.

Committee deliberated.

Resolved,—“That the Committee cannot permit the Counsel for the Sitting Member to postpone the cross-examination of the witness.”

Parties called in and informed thereof.

The witness produced the register in force at the last election.

Martha Hatch sworn and examined.

Cross-examined.

Re-examined.

Charles Brookes sworn and examined.

Cross-examined.

Re-examined.

Joseph Marlow sworn and examined.

Adjourned to the next day, at 11 o'clock.

*Jovis, 25<sup>o</sup> die Martii, 1841.*

Names called over ; all present.

Mr. Serjeant Merewether applied to the Committee to expunge from the evidence of the preceding day the following question and answer :—“ Was your wife also there ? She came to me and said ; ”—contending that the evidence was merely secondary and hearsay, and consequently not admissible.

Mr. Serjeant Wrangham heard in objection.

Mr. Serjeant Merewether replied.

Room cleared.

Resolved,—“ That so much of the answer as relates to the declaration of the wife be expunged.”

Parties called in and informed thereof.

Joseph Marlow re-called, and further examined.

The Chairman intimated to the Counsel, that it was the opinion of the Committee that he ought to proceed with such evidence, if possible, as would tend to connect the Sitting Member or his Agents in some way with treating alleged to have taken place, before proceeding to prove individual cases of drinking.

Simeon Burns sworn and examined.

Cross-examined.

Re-examined.

Mr. Samuel Tunks sworn and examined.

Cross-examined.

Re-examined.

Mr. Henry Busst sworn and examined.

Mr. Serjeant Wrangham objected to the course of proceeding adopted by Mr. Cockburn.

The opinion of the Committee, previously intimated to the Counsel, was read, and Mr. Cockburn then stated that he was satisfied to let the case of agency rest on the evidence already given, and that he should now submit that he had sufficiently connected the treating at the New Inn before mentioned with Mr. Barnet, the admitted Agent of the Sitting Member.

Some doubt arising as to the precise terms used by Mr. Simeon Burns, with regard to certain directions said to have been given by Mr. Barnet, the evidence was read ; but the answer not being considered perfectly satisfactory,—

The witness was re-called and re-examined on that point.

Mr. Cockburn then submitted that he had proved sufficient to entitle him to go into what took place at the New Inn.

Mr. Serjeant Wrangham in reply.

The room was cleared.

Resolved,

Resolved,—“That it does not appear to the Committee that sufficient evidence has been given to connect Mr. Barnet with the proceedings at the New Inn.”

Parties called in and informed thereof.

Mr. Busst's examination further proceeded with.

Cross-examined.

Mr. Thomas Price sworn and examined.

Cross-examined.

Re-examined.

Mr. William James sworn and examined.

Cross-examined.

Re-examined.

Mr. Samuel Patch (*alias* “Davis,” which name he assumed during his stay in Walsall) sworn and examined.

Adjourned to the next day, at 11 o'clock.

*Veneris, 26<sup>o</sup> die Martii, 1841.*

Names called over; all present.

Mr. Samuel Patch further examined.

A note addressed to Mr. Davis, Turk's Head Inn, signed H. B., put in by Mr. Patch, and read.

Also a list of certain voters, and the places they were to poll at.

Cross-examined.

Mr. Cockburn objected to the following question, put by Mr. Serjeant Wrangham to the witness :—“Can you give me the name of any person who is now employing you as an accountant?”

The room was cleared.

Committee deliberated.

Resolved,—“That it is the opinion of the Committee that the witness is bound to answer the question.”

Parties called in and informed thereof.

Witness re-called, and cross-examination further proceeded with.

A letter, dated 5th February 1841, from witness to Mr. Barnet, identified.

Another of the same date, late in the day, identified.

Another of February 6th, also identified.

Letter of March 15th, 1841, from witness to Mr. Barnet, identified.

The letter of February 5th, 1841, was read and put in.

Mr. Serjeant Wrangham proposed to read and put in the other letters previously identified.

Mr. Cockburn objected.

The room was cleared.

Resolved,—“That the letters may now be read and put in.”

Parties called in and informed thereof.

The other letters of the 5th, 6th and 15th above mentioned were then read and put in. (Copies of all the letters put in appear in the Minutes of Evidence.)

Re-examined by Mr. Cockburn.

Other letters were shown to the witness and identified, but the reading of them deferred.

Mr. William Winter Lates sworn and examined.

Put in Day-book.

Adjourned to next day, at 11 o'clock.

*Sabbati, 27<sup>o</sup> die Martii, 1841.*

Names called over; all present.

Mr. Lates' examination continued.

Mr. James Kilner sworn and examined.

Cross-examined.

Re-examined.

Elizabeth Taylor sworn and examined.

Cross-examined.

Re-examined.

Adjourned to Monday, at 11 o'clock.

*Lunæ, 29<sup>o</sup> die Martii, 1841.*

Names called over; all present.

Mr. Cockburn proceeded to sum up the evidence on behalf of the Petitioner.

Mr. Serjeant Wrangham addressed the Committee on behalf of the Sitting Member.

Mr. Serjeant Wrangham stated, he did not intend to call any witnesses.

Adjourned to the next day, at 11 o'clock.

*Martis, 30<sup>o</sup> die Martii, 1841.*

Names called over; all present.

Mr. Austin addressed the Committee, in reply to Mr. Serjeant Wrangham.

The room was cleared.

Resolved,—“That Mr. Barnet was the Agent of Mr. Gladstone.”

Resolved,—“That it appears to this Committee, that treating did take place at the New Inn.”

Motion made (Mr. Sturt),—“That the agency of Samuel Derrick Patch is not proved.”

Amendment proposed,—To leave out all the words after the word “That” to the end of the question, to insert these words:

“The treating at the New Inn was sufficiently recognized by Mr. Barnet to connect him with the proceedings at that place.”

Question put,—“That the words proposed to be left out stand part.”

Committee divided—

AYES.  
Mr. Packe.  
Sir William Rae.  
Mr. Sturt.  
Lord Eliot.

NOES.  
Mr. Bowes.  
Mr. Brodie.  
Mr. Hayter.

Ayes - - - 4.

Noes - - - 3.

The main question was then put and agreed to.

Motion made (Mr. Hayter),—“That the treating at the New Inn was sufficiently connected with Mr. Barnet to affect the Sitting Member.”

Question put.

Committee divided—

AYES.  
Mr. Brodie.  
Mr. Hayter.

NOES.  
Mr. Bowes.  
Mr. Packe.  
Sir William Rae.  
Mr. Sturt.  
Lord Eliot.

Ayes - - - 2.

Noes - - - 5.

So it passed in the negative.

The Committee then came to the following resolutions:—

“That John Neilson Gladstone, Esq. is duly elected a burgess to serve in this present Parliament for the borough of Walsall.

“That the Petition of Joseph Hickin does not appear to this Committee to be frivolous or vexatious.

“That the opposition to the said Petition does not appear to this Committee to be frivolous or vexatious.

“That it appears to this Committee that a system of considerable treating prevailed previous to and during the last election for the borough of Walsall, though the doubtful nature of the evidence has not enabled the Committee to connect it with the Sitting Member or his Agent.

“That the Resolutions be reported to The House.”

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## MINUTES OF EVIDENCE.

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*Mercurii, 24<sup>o</sup> Martii, 1841.*

LORD ELIOT IN THE CHAIR.

THE names of the Members were called over; all present.

24 March 1841.

The Petition was read.

Mr. Serjeant Merewether, Mr. Austin and Mr. Cockburn appeared as Counsel for the Petitioners.

Agent, Mr. Coppock.

Mr. Serjeant Wrangham and Mr. Talbot appeared as Counsel for the Sitting Member.

Agents, Messrs. Freshfield.

The Committee-room was cleared.

After some time the Counsel and parties were called in, and informed that the Committee had agreed to the following resolutions:—

“That the Counsel will not be allowed to go into any matter not referred to in their opening statement, without a special application to the Committee for permission to do so.

“That if costs be demanded by either party under the Clauses 80 to 84 of the 1st Vict., cap. 28, the question must be raised immediately after the decision of that particular case.”

It was ordered that no witnesses except those under examination, and the agents on either side, should be admitted under pain of disqualification.

Mr. *Austin* was heard to open the case on the part of the Petitioners.

The *Chairman* asked Mr. Austin whether he intended to particularize the names of the persons said to have been bribed or treated, or the names of the persons said to have given the bribes or the entertainment.

Mr. *Austin* stated that he had already mentioned the names of the public-houses at which the treating took place, and that it was impossible to particularize the names of the voters who were treated; but that he should prove a general system of treating the voters, which he conceived would be sufficient to void the election, even though not brought home to the Sitting Member or his agents.

Mr. Serjeant *Wrangham* stated, that when the time arrived he should object to the evidence as insufficient, unless the names of the voters were particularized.

The Committee-room was cleared.

After some time the Counsel and parties were again called in; and Mr. Austin was asked whether it was his intention to give evidence of bribery as distinct from treating, and stated that it was not.

The Counsel were informed that the Committee had come to the following resolution:—

“That the Committee will permit the Counsel for the Petitioner to adduce evidence of treating, without stating the names of the electors said to have been treated; but that they will expect proof to be given that some of the persons so treated were electors.”



Mr. *James Richard Naylor* was called in ; and, having been sworn, was  
Examined by Mr. Serjeant *Merewether*, as follows :

Mr. *J. R. Naylor*.

24 March 1841.

2606. ARE you an officer in the Crown-office ?—I am.  
2607. Do you produce the return in your hand from the Crown-office ?—Yes.  
2608. Is that the return for Walsall ?—This is the writ, the precept and the return for the borough of Walsall.  
2609. Have the goodness to hand them in ?—  
[*The same were delivered in ; and it appeared that John Neilson Gladstone, Esquire, was returned.*]

[The Witness withdrew.]

*John Whitgrave*, Esquire, was called in ; and, having been sworn, was  
Examined by Mr. Serjeant *Merewether*, as follows :

*J. Whitgrave, Esq.*

2610. ARE you the mayor of Walsall ?—I am.  
2611. Were you so at the last election ?—I was.  
2612. Do you produce the poll-books ?—Yes, I do. [*The Witness produced the same.*]  
2613. That is the poll which was taken ?—It is.  
2614. Mr. Serjeant *Wrangham*.] You have had it ever since in your own possession, I suppose ?—Not myself.  
2615. Who has ?—The town-clerk.  
2616. Is he here ?—I think not ; I have not seen him.  
2617. It has been out of your custody ?—Yes.  
2618. When did you receive it again ?—Yesterday morning.  
2619. When did you see it last, before that ?—After I had declared the poll, I received them from the poll-clerks, sealed up ; and I then cast them up, and declared the poll ; after having declared the poll, I delivered them to the town-clerk.  
2620. Open ?—Yes.  
2621. You did not see them again till yesterday morning ?—No, I did not.  
2622. *Committee*.] Have you examined the poll-books ?—Yes, I have ; they are my own figures.  
2623. Are they in the same state as when you delivered them to the town clerk ?—Yes.  
2624. You are sure of that ?—Yes, for they are my own figures.  
2625. There is no addition ?—No.  
2626. Nor any erasures ?—No, no erasures.

Mr. Serjeant *Wrangham* stated that he did not mean to make any objection to the production of the poll-book.

2627. Mr. Serjeant *Merewether*.] As mayor, I presume, you had the regulation of the booths which were to be erected ?—I had.

2628. Was there any application made to you with respect to the placing them, and other circumstances connected with them ?—There was.

2629. Who made the application to you ?—There was an appointment made that a few of the friends of both the candidates should come to me to make all previous arrangements for the election ; and amongst others, that of the booths was one.

2630. Did persons attend for both of the candidates ?—They did.

2631. Were those professional gentlemen ?—Yes, professional gentlemen on both sides ; one professional gentleman on the side of Mr. Smith, and two attorneys on the side of Mr. Gladstone.

2632. Give me their names ?—Mr. Jesson and Mr. Barnet.

2633. Were those both professional men ?—Yes.

2634. Who was the other ?—The other was Mr. Owerton.

2635. Is he a professional man ?—No, he is a maltster.

2636. He attended with those other two gentlemen ?—Yes.

2637. Did they inquire, on behalf of Mr. Gladstone, how many booths would be required ?—They inquired how many booths I meant to appoint ; they did not mention whom they inquired for, but how many booths did I mean to appoint.

2638. When

2638. When they came, was there any thing said as to on whose behalf they came?—No, nothing was said; there was an understanding with the town-clerk that a few of the friends should attend. *J. Whitgrave, Esq.*

24 March 1841.

2639. On whose behalf did those three gentlemen attend?—They did not say on whose behalf they attended; therefore I could only say from the understanding, as I observed before, that was with the town-clerk.

2640. You stated that you had made an appointment for this meeting; what was the appointment for?—The appointment was to arrange with regard to the whole of the election.

2641. With whom was that arrangement to be made?—It was to be made with some of Mr. Smith's friends and some of Mr. Gladstone's friends.

2642. Did you give directions for the appointment?—I gave directions.

2643. In consequence of those directions, did those gentlemen come to you?—They did.

2644. Tell me who were the persons there on behalf of Mr. Smith?—On behalf of Mr. Smith, Mr. Kettle, a professional man, and Mr. Eglington, who was a builder.

2645. When you were asked what booths you should appoint, what did you appoint?—I said I should appoint three, one for each ward; as the borough is divided into three wards.

2646. Upon that, did Mr. Barnet state any thing?—There was a good deal of conversation, which, I suppose, it will be unnecessary for me to repeat, as to the expense?

2647. What was the understanding you are speaking of, with the town-clerk?—I directed the town-clerk to say, that I should be glad to meet a few of Mr. Smith's and a few of Mr. Gladstone's friends, to make arrangements for the election, in order that there might be no dispute afterwards.

2648. Have you been at elections at Walsall before?—Not to interfere in the least with them; I have been at elections at Walsall.

2649. On what day did you give those directions?—I cannot say the specific day.

2650. At what time?—It was between two and three o'clock in the afternoon.

2651. Did you give the directions on the same day on which the matter took place?—I gave directions on the previous evening, or the morning of the meeting.

2652. You gave those directions to the town-clerk either on the same day, or on the evening previous to the day on which those gentlemen attended you?—Yes.

Mr. Serjeant *Wrangham* submitted that there was no proof that the gentlemen attended on the behalf of Mr. Gladstone, and that no evidence could be given of what passed until that was shown.

2653. Mr. Serjeant *Merevether*.] Do you know, from what took place at the time you were there, for whom those gentlemen appeared?—Undoubtedly; they appeared one party for Mr. Smith, and one party for Mr. Gladstone.

2654. Have you an atom of doubt that that was the case?—I have not any doubt whatever of that fact.

2655. Did Mr. Barnet make any proposal, or did he state that he should request any particular number of booths, or any thing of that kind?—He requested me to place an additional booth up at Bloxwich, for the convenience of the voters there on behalf of Mr. Gladstone.

2656. You had before stated that you intended to have three booths?—I had.

2657. That was to be additional?—Yes.

2658. In consequence of Mr. Barnet making this application to you for Mr. Gladstone, did you require any written authority for it?—I did; because the town-clerk was with me, and referred to the Act of Parliament, and that required a written authority.

2659. Mr. Barnet, you say, was in attendance on you; did he give you the authority?—He did.

2660. Have you got it?—No, it was not delivered to me.

Mr. Serjeant *Wrangham* stated that if the evidence was intended to prove the agency of Mr. Barnet for Mr. Gladstone, he was ready to admit that fact.

*J. Whitgrave, Esq.*

24 March 1841.

Cross-examined by Mr. Serjeant *Wrangham*.

2661. You say that you gave some directions to the town-clerk about appointing a meeting of the parties on each side?—Yes.

2662. Who is the town-clerk?—Mr. William Cotterill.

2663. Was he agent on the part of Mr. Smith at that election?—I only know from report; I believe he was.

2664. Have you any doubt of that?—I have not the slightest doubt; but I have no knowledge of it.

Mr. Serjeant *Wrangham* stated that he had no further questions to propose at the present time, but that he should exercise the right of further cross-examination if any thing should transpire in the course of the Petitioner's case requiring it.

Mr. *Austin* submitted that the mayor having been brought up at the expense of the Petitioner, and having given his evidence, he was not to be kept in town at the expense of the Petitioner.

Mr. Serjeant *Wrangham* submitted that the mayor must be in attendance during the progress of the case, subject to being recalled in case the evidence rendered it expedient to cross-examine him; but that if the presence of the mayor in Walsall was required, he might return, subject to being compelled to return again if necessary.

Mr. Serjeant *Merewether* submitted that the witness was not to be retained at the expense of the Petitioner; that as to his being cross-examined or not, that would depend upon the decision of the Committee, according to circumstances.

Mr. Serjeant *Wrangham* submitted that he was not to be put in the situation of calling the mayor, who was an adverse witness, as his own witness, instead of extracting facts from him in cross-examination; that with respect to the expense, he had no desire to throw that upon the Petitioner.

The Committee-room was cleared.

After some time the Counsel and parties were again called in, and informed that the Committee had determined that they could not permit the Counsel for the Sitting Member to postpone the cross-examination of the witness; that, therefore, Mr. Serjeant *Wrangham* must either cross-examine the witness now, or call him as his own witness.

2665. Mr. Serjeant *Merewether*. (*To the Witness*.)] Have you got the register?—I have. [*The Witness produced the same.*]

2666. Was that the register of the voters for the borough of Walsall at the time of the last election?—It was. [*The Register was delivered in.*]

[The Witness withdrew.]

*Martha Hatch* was called in; and, having been sworn, was Examined by Mr. Serjeant *Merewether*, as follows:

*Martha Hatch.*

2667. WERE you employed at the George Inn, at Walsall, during the late election?—I was.

2668. Have you lived long at that inn?—I have lived there five years the 25th of this month.

2669. Of course you know the different rooms in the inn very well?—I do.

2670. Do you remember Mr. Gladstone being there at the last election?—I do.

2671. Did he live in the inn?—He was in the inn part of the time that the election lasted, not all the time.

2672. Do you recollect when he first came there?—No, I do not recollect that.

2673. Do you remember how many days he was there?—I do not.

2674. Do you remember the day of nomination?—No, I do not.

2675. You do not recollect that day?—No, I have never thought any more about it since.

2676. You probably remember that there was an election?—I remember that perfectly well.

2677. You

2677. You will probably recollect that it began one day and finished the next?—Yes, I know that it began and I know it has finished.

*Martha Hatch.*

2678. Was Mr. Gladstone at the George on the day of the election?—Yes, he was.

24 March 1841.

2679. And on the second day also?—No, I do not think he was; upon my word I cannot tell; I think he left on the same day, but I am not positive.

2680. You are sure he was there the first day of the election?—Yes.

2681. He had been there, then, two or three days?—Yes, he had.

2682. He had been there for some days before?—Yes.

2683. Which room did he occupy?—His sitting-room was No. 6.

2684. Had he any other rooms?—There was the committee-room, the assembly-room.

2685. The assembly-room was the committee-room?—Yes, it was.

2686. Upon that room was there any notice put up that that was the committee-room?—Yes, there was a notice at the door.

2687. There was a notice that that was the committee-room?—Yes.

2688. Were the members of the committee requested to attend there?—I do not know, indeed.

2689. It was called the committee-room?—It was called the committee-room.

2690. Did a good number of people attend there?—There were a great many people went up and down stairs, but they did not go through the house; they went up, most of them, through the yard; I did not see that they went into the room.

2691. Is there a different staircase communicating with the assembly-room?—There are two staircases, one through the yard and the other through the house; a great many persons went up through the yard.

2692. And so to the assembly-room?—Yes.

2693. At the top of the stairs communicating with the assembly-room, was there also another door?—Yes, there was another door leading into the house.

2694. That leads into a passage?—Yes.

2695. Along that passage is there a room called No. 10?—Yes.

2696. Is that far from the door leading into that passage?—No, a very short distance.

2697. Can you easily communicate from that room to the committee-room?—Yes, you go through two doors.

2698. It is a very few yards?—A very few yards.

2699. Was that room No. 10 used during the election?—Yes; I have seen many persons go in and out, but who they were, whether they were on the committee, I do not know.

2700. I believe there was no notice up at that door as there was at the other?—Upon my word I do not recollect; there were many papers stuck about, but I did not take any notice.

2701. Do you know whether that was the committee-room or not?—There were a good many people went in and out; they used to call the assembly-room the committee-room; when any one wished to go to Mr. Gladstone's committee-room, we always showed them to the assembly-room.

2702. Do you know Mr. Barnet?—Yes, I do.

2703. Did you often see Mr. Barnet going into No. 10?—Not generally; I may have seen him go in, but I did not take any notice who went in.

2704. Did you ever see Mr. Barnet go into that room?—Indeed I do not know, I did not take any notice; I was very busy down stairs; I had a great many commercial gentlemen to attend to.

2705. Do you know Mr. Windle?—Yes, I know Mr. Windle.

2706. Have you ever seen Mr. Windle in that room, No. 10?—Yes, I think I have.

2707. Do you know Mr. Jesson?—Yes, I do.

2708. Do you know Mr. Forster?—Yes, I know Mr. Forster.

2709. Mr. Charles Forster?—Yes, I know Mr. Charles Forster.

2710. Have you seen him in that room?—Whether he may have gone into the room I cannot tell, for I took so little notice who did go in and out of this room.

2711. You have seen persons go in and out of that room?—Yes.

2712. You said you saw Mr. Jesson there?—Yes, I think I have seen him go in there.

219.

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2713. And

*Martha Hatch.*

24 March 1841.

2713. And Mr. Charles Forster?—I am sure I cannot say whether I saw Mr. Charles Forster there.

2714. Do you know Mr. Perkes, the gentleman who seconded Mr. Gladstone?—Yes.

2715. Did you ever see him in the room?—I cannot say; indeed I scarcely went in there, they never wanted any thing; the bell was hardly ever rung there.

2716. You could see persons go in and out of that room, though they might come by both accesses; I understand you to say there are two accesses to the assembly-room, the one by the staircase out of the yard, and another by the staircase out of the house?—Yes.

2717. I believe there was a passage?—Yes.

2718. Does that communicate with the house?—Yes.

2719. If a person went in from the staircase from the yard leading to the assembly-room, would he not come to that room?—Yes.

2720. Therefore the persons had two accesses, the one through the house, and the other by the assembly-room?—Yes.

2721. Was that a sitting-room?—Yes.

2722. Was it used for any other purpose?—No, we have very seldom any use for those rooms now.

2723. During the time of the election, was not your house very full?—There were a good many commercial gentlemen in it, but we scarcely ever use those rooms up stairs.

2724. Those rooms are up stairs?—Yes; that No. 10, and those other rooms are on the first floor up-stairs.

2725. Were those rooms used for any other purposes but the purposes of the election, both at the time of the election and a few days before?—No, we do not want them for any other purpose.

2726. Can you tell me how many days before the election they had been used, the ball-room and No. 10?—No. 10, I suppose, had not been used for eight or nine months before.

2727. How many days had they been used for the purposes of the election, I mean?—I am sure I cannot tell.

2728. Four, five, or six?—Indeed I cannot tell.

2729. What is your particular employment?—As waiter.

2730. If any thing was wanted in the room, you would have been the person who would have attended there?—Yes, I should suppose I should be.

2731. Do you know Mr. Charles Brookes?—Yes, I do.

2732. What is he?—He is a saddler's ironmonger; he has a warehouse in that way.

2733. Did you ever see him in that room?—I do not recollect that I ever did.

2734. Cannot you recollect?—No; for unless I happened to see him going into the room, I should not know it.

2735. Which was the part of the house you were engaged in as waiter?—Down stairs.

2736. Did you never go into that room?—I did not go into the room unless something was wanted; the other servant made up the fire, or perhaps the boy took up coals.

2737. What is Mr. Jesson?—He is a lawyer, a solicitor.

2738. What is Mr. Windle?—I am sure I do not know what his warehouse is; I think he does every thing in the wholesale trade.

2739. What is Mr. Forster?—He is a banker.

2740. Mr. Perkes?—Mr. Perkes, I believe, is a saddler's ironmonger; something in the hardware.

2741. Did you see Mr. Fisher there at all?—I do not recollect that I did.

2742. Mr. John James?—No, I do not recollect that I did.

2743. Mr. John James, jun.?—No; they may have gone in; I could not say that they did not, or that they did, for I really do not recollect.

2744. Mr. Swift?—I do not recollect that I did.

2745. Did you see Mr. Day there?—No, I did not.

2746. Mr. Franklin?—I might have seen them, but I cannot say.

2747. The question is, whether you saw them in either of those rooms; the assembly-room, or No. 10?—I do not know that I did; they may have been in the

the room when I have been there; when I rapped at the door and answered the call.

*Martha Hatch.*

24 March 1841.

2748. Do you recollect whether they were there; I do not recollect.

2749. Mr. John Hawkins?—I do not recollect.

2750. Mr. William Hawkins?—I do not recollect.

2751. Mr. Bassett Smith?—I do not know him at all.

2752. Do you know Mr. Dixon?—Yes, I do; I did not see him.

2753. Mr. Owerton?—No.

2754. Mr. James Kilder?—I know him.

2755. Did you ever see him there?—I do not recollect seeing him; I was very busy with the commercial gentlemen, and took no notice about them.

2756. How far was Mr. Gladstone's room, No. 6, from that No. 10; was it on the same floor?—Yes, on the same floor; at some distance from that room.

2757. I presume things must be occasionally wanted in both those rooms; both No. 10 and the ball-room?—Never any thing except coals.

2758. Pens and ink and paper probably?—They were their own things I think, except that I took some ink into the ball-room for the clerks.

2759. Did you attend that room if any thing was wanted?—I went sometimes, or sometimes sent up somebody else; I sent up a box of coals if the bell rung, but they never wanted any thing else; there was nobody else to answer the bell except me, unless I sent any one; I am the principal.

2760. Are you still in the same place you were in at the time of the election?—Yes.

2761. Who attended in the room, No. 6, where Mr. Gladstone was?—I did, principally.

2762. Did you see Mr. Gladstone go to the ball-room?—I never noticed.

2763. You are sure of that?—Yes.

2764. Did you never see him go to No. 10; try to recollect?—I do not recollect that I did; he might have been going to his bed-room; that is very near.

2765. What is the number of his bed-room?—No. 8 or 9.

2766. Then, judging from the numbers, that would be nearer than No. 6?—Yes; I never noticed him go, but he might have gone into it.

2767. Have the goodness to refresh your memory; have you seen Mr. Gladstone go into No. 10?—I do not recollect that I ever did.

2768. You cannot charge your memory with it?—I cannot.

#### Cross-examined by Mr. Serjeant *Wrangham*.

2769. My learned friend has mentioned a great many names to you; Mr. Forster and Mr. Brookes, Mr. Fisher and Mr. James, Mr. Day, Mr. Franklin, Mr. Hawkins, Mr. Dixon, and so forth; you know those gentlemen by sight?—Yes.

2770. Do you happen to know whether they are amongst the principal manufacturers and commercial men in the town of Walsall?—Yes, they are all gentlemen of business.

2771. You say some of them were saddlers' ironmongers; is that the staple manufacture of the town?—Yes, it is all in the hardware way; saddlers' ironmongery is the principal manufacture in Walsall.

2772. You have told us about these rooms, the assembly-room and No. 10; and those rooms my learned friend has asked you a great many questions about persons who went up into them. I understand you to say there were a large number of people during the day passing and repassing into those rooms?—Yes, there were.

2773. Any body who came in went up into them?—Yes, any body; I did not take notice of any body in particular.

2774. You say Mr. Gladstone's bed-room was near No. 10?—Yes, it was.

2775. I understand there is some doubt upon the subject, as to the precise situation of the rooms; is there a longish passage between the door of his bed-room and the door of No. 10?—Yes, there is a good distance.

2776. One is at one end of the passage, and the other at the other, is not it?—Not exactly at the end; one of the rooms is at the end.

*Martha Hatch.*Re-examined by Mr. Serjeant *Merewether*.

24 March 1841.

2777. You say that Mr. Gladstone's bed-room is at the end of that passage ?  
—Yes.

2778. Is No. 10 at one end of the passage and Mr. Gladstone's bed-room at the other ?—No. 10 is not quite at the end of the passage, but near the end.

2779. What is the length of the passage, as nearly as you can state ; is it as long as this room ?—Yes, I think it might be a little longer, if any thing, but I think not much longer ; yet it is longer than this room, too.

2780. My learned friend has asked you whether a great number of persons went into both those rooms ; did I understand you, that if any body asked for Mr. Gladstone's committee-room you sent them to the ball-room ?—Yes.

2781. You do not mean to say that as many persons went to this room as to the ball-room ?—I am sure I cannot tell which room they went to, for we never went up-stairs.

2782. You told them to go to the ball-room ?—Yes, we sent them up-stairs, and they would find the committee-room.

2783. There was a paper stuck up, you say ?—Yes, there was a paper stuck up.

2784. Do you mean to represent that as many people went up to No. 10 as went to the committee-room ?—I am sure I cannot say.

2785. No. 10 was nearer that part of the house than the assembly-room ?—It lies some distance from down-stairs.

2786. Still it is nearer the bed-room ; is there any bed-room between No. 10 and Mr. Gladstone's ?—I believe, if I recollect right, Mr. Gladstone's bed-room was next to No. 10 ; but there are two bed-rooms close to one another.

2787. There being bed-rooms along this passage, cannot you tell with any distinctness whether those persons who went to the committee-room went also to No. 10 ?—I cannot tell, indeed ; when I showed them up-stairs, I do not know which room they went into.

2788. Where should you be when they applied to you ?—Perhaps I might be down in different parts of the house ; I should say if you go up those stairs you will find the room.

2789. Pointing to the stairs out in the yard ?—Yes, in the yard, very likely.

2790. Did not the bulk of the people going to the committee-room go up the stairs from the yard ?—I think most of them went that way.

2791. Was there a door at the top of the stairs leading into the passage that went to No. 10 ?—Yes.

2792. Is that door capable of being fastened ; is there a lock or fastening to it ?—It has a lock and a fastening to it.

2793. *Committee.*] There was a notice, you say, stuck up at the door of the assembly-room, describing that as Mr. Gladstone's committee-room ?—Yes, there was.

2794. Was there any notice on the door of No. 10 ?—I really do not know.

2795. What were the precise words written on the notice ?—I do not know that I ever read them ; I know there was a paper stuck up.

2796. You say that the passage between Mr. Gladstone's bed-room and No. 10 was as long as this room ?—Yes, it may be rather longer.

2797. And Mr. Gladstone's bed-room was at one end, and No. 10 nearly at the other ?—Yes.

2798. How much further was it from Mr. Gladstone's bed-room than No. 6 ?—It was further ; it was along the other passage.

2799. Was it as far from the bed-room to No. 6, as it was from the bed-room to No. 10 ?—I should think there was not much difference in the distance.

2800. No. 6 was as far again from the bed-room as No. 10 ?—I think it was ; probably it may not have been quite so far.

2801. You were very busy during the time of the election, were not you ?—Yes, we had a great many commercial men in the house at that time.

2802. They did not take any part in the election ?—No.

2803. Therefore you took no notice ?—No, they came and went, and I took no notice who they were.

2804. Mr. Serjeant *Wrangham*.] You say you had no particular feeling on the subject of the election ?—No, not at all.

2805. Did

2805. Did Mr. Smith, the other candidate, sleep in your house?—Yes.

*Martha Hatch.*

2806. And several of his friends?—Yes.

[The Witness withdrew.

24 March 1841.

Mr. *Charles Brookes* was called in ; and, having been sworn, was Examined by Mr. *Cockburn*, as follows :

2807. I BELIEVE you are an ironmonger, living at Walsall?—A saddlers' ironmonger. *Mr. C. Brookes.*

2808. And an elector of the borough?—Yes.

2809. Did you vote at the last election?—I did.

2810. For Mr. Gladstone?—Yes, for Mr. Gladstone.

2811. Did you take any part at all in the proceedings prior to the election, during the canvass?—I took a part in the canvass with Mr. Gladstone.

2812. Were you a member of his committee?—I am not aware that there was a committee formed ; I received a note to attend a meeting of Mr. Gladstone's friends at the George, which I did ; there were a great many attended who were electors, and came with electors.

2813. Did Mr. Gladstone take up his quarters at the George?—He did.

2814. Was there a room appropriated generally to the friends of Mr. Gladstone?—Yes, there was.

2815. The assembly-room, I believe?—Yes.

2816. Were there a great body of gentlemen in the habit of frequenting that room?—There were.

2817. Were those the gentlemen who had the care of Mr. Gladstone's interest at the election?—For the most part they were.

2818. Were they the principal supporters of Mr. Gladstone?—Yes.

2819. Be kind enough to give me the names of those gentlemen who attended there?—They were so numerous I cannot particularize them all.

2820. Tell me the names of those who took a principal part in the discussions?—I heard very few discussions.

2821. We will not then say any thing about discussions ; who were those who attended?—If you take almost every man who voted for Mr. Gladstone, they were there.

2822. Tell me who were in the habit of attending at that room?—There were the two Messrs. James.

2823. Perhaps I can assist you ; Mr. Fisher, was he one?—Not very regular ; I think I saw him occasionally.

2824. Mr. Edward Swift?—Yes.

2825. Mr. Day?—Not very frequent ; I did not see him frequently.

2826. Mr. Franklin?—Mr. Franklin, yes.

2827. Mr. John Hawkins?—At the latter part of the time.

2828. Do you mean after the nomination?—About a day or two before the nomination, but not much before.

2829. Mr. William Hawkins?—I do not know such a person.

2830. Mr. Bassett Smith?—Yes.

2831. Mr. Dixon?—Yes.

2832. Mr. Owerton?—Yes.

2833. Mr. James Kilner?—Yes.

2834. Mr. Windle?—Yes.

2835. Mr. Jesson?—Not very frequently.

2836. Mr. Forster?—Very seldom ; I do not think Mr. Forster ever attended unless he came to make some inquiry.

2837. Mr. Perkes?—I think very seldom.

2838. I have given you the wrong christian name ; Mr. David Hawkins, did he attend?—Yes.

2839. Who took the chair when you met?—There was no chairman appointed.

2840. That is, there was no chairman?—No, not at any meeting I attended.

2841. You attended nearly all the meetings?—No.

2842. Where did those meetings take place?—There was a general order to attend at the committee-room at 10 o'clock each morning.

2843. I thought you told me there was no committee?—I mean at the room which you please to call the committee-room.

219.

P 2

2844. Was



Mr. C. Brookes.

24 March 1841.

2844. Was it not at the committee-room you met?—It was at the George assembly-room.

2845. Was it not at the committee-room you were directed to attend?—I suppose it was.

2846. Then what do you mean by saying there was no committee?—Because it was called the committee-room in the notice sent round.

2847. Do you mean to say, when it was stated in the circular sent to your party that it was the committee-room, that there was no committee?—I never saw the appointment of any committee.

2848. You mean to say that because you never saw the appointment of a committee, there was no committee?—That note was sent to all the electors for Mr. Gladstone.

2849. Was there a notice stuck up on the outside of the door of the room?—I am not aware that there was.

2850. Do you mean to say that there was not a paper stuck up on the outside of the door?—There was a paper stuck up at the gateway of the George.

2851. That had reference to the committee-room?—Yes.

2852. What were the contents of that paper?—"To Mr. Gladstone's Committee-room."

2853. You say you were directed to attend at the committee-room; was the time stated?—There was a paper posted on the door, "Attendance punctually at 10 o'clock in the morning."

2854. Was there over the chimney-piece a list of the committee?—No.

2855. Was not there a paper stuck up there at all?—Not that I am aware of.

2856. Tax your recollection about that; do you mean to say there was not a list of the gentlemen forming the committee stuck up over the chimney-piece?—I never saw it.

2857. Do you mean to say you did not see it anywhere else?—I never saw it.

2858. When was it that you attended there?—To receive orders respecting the canvassing.

2859. From whom were the orders received?—Sometimes one person, sometimes another.

2860. I suppose people indiscriminately did not give orders; who generally gave the orders?—The orders I received generally came from Mr. Barnet.

2861. Was Mr. Barnet generally present in this room?—No, not in that room.

2862. You say the purpose for which the circular was sent to attend at the committee-room was that of receiving orders; who gave those orders?—They were either given by Mr. Barnet or by some person appointed by him.

2863. You say Mr. Barnet did not attend at the room?—He did not always attend at the room when I received any orders to attend to canvass for Mr. Gladstone; he generally sent for me to another room.

2864. Who generally gave the orders in that room?—I was generally sent for to Mr. Barnet.

2865. Who gave the orders in that committee-room to the persons who attended in pursuance of that notice?—The only person I knew give orders in the room besides Mr. Barnet was Mr. Thomas.

2866. Who is Mr. Thomas?—An attorney.

2867. What were the matters in reference to which those orders were given?—Merely to call on persons who had not been canvassed.

2868. Do you mean to state that those directions you received as agent were given generally to the electors or to particular individuals?—I should think to particular individuals.

2869. Were not those the individuals who generally attended at that committee-room?—I cannot say.

2870. Yes, you can, I am sure; you received those circulars yourself from time to time?—Yes, I did.

2871. You do not mean to say those circulars were sent to the great body of the electors, but to particular individuals?—I believe they were sent to the great body of the electors favourable to Mr. Gladstone.

2872. By whom were those circulars signed?—I believe by Mr. Barnet.

2873. Do you mean by Mr. Barnet alone?—I think all I received were signed by Mr. Barnet alone.

2874. When you attended at that room, you do not mean to say that you met

met the great body of electors there, but particular individuals?—I met sometimes one and sometimes another.

2875. Were not the persons whom you met in that room when you were directed to attend there, for the most part the same individuals?—For the most part.

2876. Were they the same individuals whose names I have repeated to you just now?—Yes; those were the most general attendants.

2877. You are speaking of the assembly-room?—Yes.

2878. Were those individuals whom you met there, when you received those notices to attend, the persons who attended Mr. Gladstone on his canvass?—There were sometimes one part, sometimes another.

2879. Were they the persons who attended Mr. Gladstone on his canvass?—Some of them.

2880. How long was this committee-room open; how long before the election?—I really cannot say.

2881. About how long; a week, or ten days, or a fortnight, or three weeks?—I should think pretty near three weeks.

2882. Did you attend regularly every day at 10 o'clock?—No, I did not; I had business of my own to attend to.

2883. Did you attend every day for a week at 10 o'clock?—O, yes.

2884. Was the meeting in the committee-room attended all the day, from the morning till the evening?—The room was open all day.

2885. Were there voters there all day?—Yes, some one or other.

2886. As the election drew nearer, the attendance perhaps was more regular?—Yes.

2887. Therefore, the two or three last days, the room was always regularly attended during the day?—Yes.

2888. By the same members?—Sometimes with a few individuals, and sometimes a few more.

2889. Some members were always to be found there?—I cannot tell you how many; we were not regularly attended by the persons you have mentioned.

2890. For a day or two before the election, did they regularly attend from the morning till the evening?—Not from the morning till the evening.

2891. I do not mean to say they may not have gone out for an hour or two, to get their dinner or attend to their business; but were they generally there?—During some interval of the day they were there.

2892. You were yourself there?—I was there very little the last two or three days.

2893. Was Mr. Dixon constantly there?—I saw him frequently there.

2894. Mr. Franklin?—I saw him there, but not constantly.

2895. Did they attend Mr. Gladstone on his canvass?—I do not think Mr. Dixon or Mr. Franklin attended Mr. Gladstone when I was there.

2896. Did you attend Mr. Gladstone on his canvass?—Sometimes.

2897. We have heard there was also a room, No. 10, near the assembly-room, frequented by persons in Mr. Gladstone's interest; were you there?—Sometimes.

2898. Who was usually there?—That was Mr. Barnet's private room.

2899. Who was there usually with him?—Mr. Barnet.

2900. Mr. Windle?—Yes.

2901. Mr. Jesson?—I have seen Mr. Jesson there.

2902. Mr. Charles Forster?—Yes, I think I saw him there once or twice.

2903. Mr. Perkes?—Yes.

2904. How often were you in that room; every day?—No.

2905. For the last two or three days before the election, were you not there every day?—I think I was.

2906. Constantly when the committee met?—No; perhaps two or three times in the course of the day.

2907. Did you ever go in there without seeing Mr. Jesson or Mr. Perkes?—Yes.

2908. When you went there, were not those gentlemen usually there?—Certainly not Mr. Jesson.

2909. Mr. Perkes?—Yes, he was.

2910. Mr. Forster?—No.

Mr. C. *Brookes*.

24 March 1841.

2911. Was Mr. Gladstone there sometimes?—I never saw him there.
2912. Which was Mr. Gladstone's room?—I do not know the number; it was one at the top of the stairs.
2913. Near to No. 10?—No, not very near; at the farther end of the passage, in another part of the house.
2914. What was done in this room; what were those gentlemen about?—I do not know.
2915. What did you do there yourself?—I went there to receive instructions, and to give any information that I thought it desirable to give.
2916. What instructions did you go to receive?—If every person was desired to be seen.
2917. Who gave you those instructions?—Mr. Barnet.
2918. Did you ever receive instructions from Mr. Perkes?—No.
2919. Are you quite sure of that?—Yes.
2920. Mr. Jesson?—No.
2921. What is Mr. Jesson?—An attorney.
2922. What were Mr. Jesson and Mr. Perkes about when you saw them there?—I did not take particular notice.
2923. I understood you to say this was Mr. Barnet's room?—Yes.
2924. Was Mr. Barnet always there?—Yes, he was always there when I went there.
2925. Was there any notice upon that door?—I think the notice was "Private room."
2926. Boxwich is near to Walsall, is it not?—Yes.
2927. Is it an outskirt of the town?—Yes, it is in the foreign.
2928. Do you know a beer-house kept by a person of the name of Somerfield?—Yes.
2929. Were you yourself there a few days before the election?—Yes, I was.
2930. Did you order refreshments there?—I did not.
2931. Were you in the chair at any entertainment which was given there?—No.
2932. Were you at any other inn at Boxwich?—No.
2933. Did you never take the chair?—No.
2934. Were you present at any entertainment?—I dined one day at the King's Arms at Boxwich, but I was not in the chair, certainly.
2935. *Committee.*] What inn does Somerfield keep?—The Spread Eagle.
2936. *Mr. Cockburn.*] How long was it before the election you were at a dinner at the King's Arms?—I should think a fortnight.
2937. Were you at the New Inn on the nomination-day?—I was.
2938. Did you order wines yourself that day?—I ordered wine for myself.
2939. What quantity of wine did you order for yourself?—I ordered for myself a pint of wine.
2940. Was that the only wine you ordered at the New Inn on that day?—It was the only wine I ordered.
2941. You ordered no wine for any body else?—No, certainly not.
2942. What room were you in in the house that day?—The commercial room.
2943. Were there a great many persons present?—Not at the time I went.
2944. At any other time of the day?—I was not there above an hour.
2945. Were there other persons dining there?—Not any persons except those who dined at the same table with me.
2946. Were they voters?—No.
2947. Did you see any other persons dining there that day?—I did not.
2948. Were you there afterwards that day; were you there at supper?—I was there again in the evening; then I was in a private room with a party.
2949. You did not go into the public room?—I did not.
2950. Did you see any voters about?—I did not; for the moment I parted with my friends I went away.
2951. Did you sleep in the house that night?—I did.
2952. You supped there?—No, I did not.
2953. Did any body partake of any refreshment there?—Yes.
2954. What else?—I took brandy and water myself, and smoked two or three cigars; that was what I went for.
2955. Was there no brandy taken in?—No; all that was brought into that room was paid for by the individual who ordered it.

2956. Who

*Mr. C. Brookes.**24 March 1841.*

2956. Who were the persons present?—Mr. Wilkins, of Manchester, Mr. Thomas (of whom I spoke before), a gentleman or two from Dudley (I do not know their names); there were several strangers.

2957. Whom else?—There were several others, but I do not exactly recollect who they were.

2958. Mr. Marlow?—I do not recollect seeing him.

2959. Mr. Samuel Barnes?—I do not recollect seeing him.

2960. Mr. William Dodd?—No.

2961. Mr. Tolse?—No.

2962. Was that the only room you went into?—Yes; I went immediately to bed from that room.

2963. Was the house quite quiet?—Not very quiet.

2964. Did you hear certain signs of festivity and merry-making?—I could hear a noise such as is generally going on where there is company, but nothing particular.

2965. You say you slept there that night?—Yes, I did.

2966. I believe you live in the town?—Yes.

2967. Not above a couple of hundred yards from the New Inn?—Yes, four or five.

2968. What led you to sleep in the New Inn that night?—The town was in an excited and disturbed state, and I knew I should be wanted in the morning; I felt very much fatigued by canvassing that day, and I told my wife I should stop there and sleep; that was my only reason.

2969. The town was in a state of great excitement?—Yes.

2970. You knew you should be wanted the next morning?—Yes.

2971. You were not yourself excited, I hope?—Yes, I was excited as other persons were during the election; there was a great degree of excitement.

2972. Do you mean to say you saw no electors there that evening?—Not till the disturbance arose in the middle of the night, or about three o'clock in the morning, when they succeeded in breaking open the gates; there was a great noise, and I came down stairs; I certainly saw a few electors then.

2973. Where did they come from?—That I cannot tell.

2974. Did they come from the inside of the inn or the outside?—I do not know.

2975. Were they quite dressed?—Yes.

2976. Have you any doubt that those electors came from the interior of the inn, and not the exterior?—I should say they came from the interior.

2977. How many dozen were there?—I did not see one dozen; there were a great many people in the passage that were not electors when the doors were broken open; whether they came from the house or from the street when the doors were broken open I cannot say.

2978. You say you have no doubt they came from the interior of the inn, did not you know beforehand that they were to sleep there?—No, I had nothing at all to do with it.

2979. You did not know that any body was to sleep there?—No, I had nothing to do with it.

2980. Did you see any electors drunk that night?—No, I did not.

2981. Do you mean to say you did not know of any electors being put to bed there that night?—I did not.

2982. You slept in the inn that night?—Yes.

2983. At what time did you come down the next morning?—I came down when this disturbance took place; then I went to bed again, and I came down again about five.

2984. Where did you breakfast?—At my own house.

2985. Did you see any electors breakfasting there?—I did not see any.

2986. Did you go back to the New Inn afterwards?—No, I did not go back again to the New Inn that day; I went to the George and there I staid till the election was concluded, after I had given my vote.

2987. Do you mean to say solemnly that you know nothing about a breakfast at the New Inn on the morning of the polling?—I do.

2988. Were you at the Stork that morning?—No.

2989. Were you at the Stork the night before?—No.

2990. Did you attend any meeting of Mr. Gladstone's friends on the evening

Mr. C. Brookes.

4 March 1841.

of the nomination?—No, I did not on the evening of the nomination; I was at the New Inn.

2991. Was there any meeting of Mr. Gladstone's friends at the New Inn that night?—No.

2992. Do you mean to swear that?—There was no meeting called of Mr. Gladstone's friends that I know of; I received no summons.

2993. Have you had any conversation with Mr. Barnet on the subject of the election since, or had you at that time?—No, certainly not.

2994. Did you attend at this committee-room the day of the nomination?—Yes; I was in the room on that day.

2995. Did you hear any mention made there of any entertainment to be given to the electors?—No.

2996. Did you see Mr. Barnet on the evening of the day of nomination?—I did not, not after five o'clock; I saw him as late as five o'clock in the afternoon.

2997. Were you in his company during the course of the evening?—Not after five o'clock.

2998. Do you know whether he was in his private room, No. 10?—I do not.

2999. Were you at the Stork in the course of that evening?—I was not at the Stork during the election; it is a house I never go into by any chance.

3000. Were you at the Turk's Head in the course of the nomination-day?—No.

3001. Were you at the Turk?—No.

3002. The Rising Sun?—No.

3003. The Bull's Head?—No.

3004. The White Hart?—No.

3005. The Hare and Hounds?—No.

3006. The Spread Eagle?—No.

3007. You were at none of those?—No.

3008. Have you since seen any of the bills sent in by any of those houses?—No.

3009. Do you know whether any bills have been sent in to Mr. Gladstone's committee?—No.

3010. Have you heard Mr. Barnet say any thing on the subject since?—No.

Cross-examined by Mr. Serjeant *Wrangham*.

3011. You say there was a room, the assembly-room, as my learned friend said, which was frequented by the supporters of Mr. Gladstone at this election?—Yes.

3012. Perhaps you, knowing the localities, will be good enough to explain to us the situation of those rooms?—As you ascend the stairs, the entrance to the assembly-room, the large assembly-room, is on the left hand at the top of the stairs; on the other side you enter a passage, the private room was the first in the passage.

3013. No. 10?—Yes, the first in the passage on the right hand.

3014. Is that the staircase you speak of from the yard, or through the house?—From the yard.

3015. Those rooms on the other side of them can be also reached by a staircase going through the house, the main staircase of the inn?—Yes, either of them will lead to those rooms.

3016. Is the assembly-room a large room?—Yes, it is.

3017. Do you happen to know whether that was the reason it was selected for the meetings of the friends of Mr. Gladstone?—I dare say it was.

3018. Had the party always assembled in this room?—No.

3019. How long before the election had they been in the habit of meeting in this room?—I should say about three weeks; I cannot say particularly.

3020. Where had they assembled before?—At a room in Park-street, called the "Operative Conservatives' Room."

3021. Was that a smaller or a larger room than this?—A very much smaller room.

3022. Do you know the reason of the change; was it that it was too small to admit all the friends of Mr. Gladstone?—I should say that was the only reason.

3023. I think you told my learned friend that almost all the supporters of Mr. Gladstone

Mr. Gladstone were in the habit of attending in this room?—Yes, at different times, some more punctually than others.

Mr. C. Brookes.

3024. As they had done before in this Operative Conservatives' room?—Precisely so.

24 March 1841.

3025. Can you tell me how long before the election they had been in the habit of attending in either of the rooms, either the Operative Conservatives' room or this room in the George?—From the time that we heard Mr. Finch had vacated his seat; I cannot say how long it was, I should say five or six weeks.

3026. I think I understood you to say that you believed the circulars were sent to almost all the supporters of Mr. Gladstone to attend there?—Yes, so I understood.

3027. Is meeting of Mr. Gladstone's friends—such resort of Mr. Gladstone's friends to this room—what you call the committee?—Yes.

3028. You have told my learned friend there was no list of any committee?—Yes, I never saw one.

3029. There was not one in the room?—Certainly not.

3030. Do I understand that any friend of Mr. Gladstone who wanted was at liberty to go in and take a part?—Yes; and I frequently saw non-electors as well as electors there.

3031. They admitted any persons who took an interest in the Conservative interest?—Yes.

3032. You used to assemble about 10 o'clock in the morning?—The orders were for 10 o'clock in the morning; I did not always go myself quite so soon.

3033. Was that about the time Mr. Gladstone was in the habit of beginning his canvass?—He generally started later than that, I think.

3034. When there it was settled who was to attend him in his canvass for the day?—Yes.

3035. I presume some gentlemen who were supposed to have an interest in the part of the town he was going to canvass that day would generally be selected?—Generally.

3036. I believe the staple manufacture of the town is saddlers' ironmongery?—Yes.

3037. I think you stated yourself to be a member of that trade?—Yes.

3038. There is also some little ironmongery of a more general character?—Yes, there is.

3039. Was Mr. Gladstone generally supported by those manufacturers?—He was generally supported by the saddlers' ironmongers.

3040. With very few exceptions, I believe?—With very few exceptions.

3041. I do not know whether you can tell me the number of houses engaged in that manufacture in Walsall?—I cannot tell without consideration.

3042. Is it between 20 and 30?—I think it is over 30.

3043. Can you tell me how many of that number were supporters of the other side?—I know one.

3044. Was not Mr. Gladstone supported generally, and his interest supported generally, by the proprietors and men of property in the town?—Generally, I should say.

3045. Mr. Barnet, you say, sat in No. 10?—Yes.

3046. Had he his clerks with him, and papers and books, and so on?—Yes.

3047. Did he appear to be keeping an account of the general canvass?—He appeared to be keeping an account of the canvass, and answering letters, and so on, on the business of the election.

3048. You have been in No. 10 when occasion called you?—Yes.

3049. Have you occasionally seen several others in the room; I do not ask you whom, as you cannot charge your memory with the names?—Yes, I have.

3050. I do not know whether you remember there being such a number that Mr. Barnet was obliged to remove them to get his clerks elbow-room for their books?—I was not there at that time.

3051. Who were the candidates in the first instance at Walsall?—The Honourable Spencer Lyttleton and Mr. Gladstone.

3052. That gentleman is a brother of Lord Lyttleton, I believe?—Yes.

3053. Did he canvass the town?—He did; at least I believe he partially canvassed it.

3054. He staid some time, did he not?—Yes.

3055. Then he withdrew?—Yes.

Mr. C. Brookes.

24 March 1841.

3056. Who came next into the field as a candidate on that interest?—Mr. Smith.  
 3057. Was there no one who came as an avaut courier to Mr. Smith?—  
 There were several put themselves forward.  
 3058. Did you hear of Mr. Acland?—He came.  
 3059. Did he announce himself as a candidate for Walsall?—I heard he did.  
 3060. You did not go and hear his speeches?—I did not.  
 3061. You were quite right; then Mr. Smith came forward at last?—Yes.  
 3062. Is the Mr. Wilkins you mentioned a barrister, do you know?—Yes, he is a barrister.  
 3063. Do you recollect what was the object of his coming to Walsall?—  
 3064. Mr. Cockburn.] Do you know it?—  
 3065. Mr. Serjeant Wrangham.] What did he say?—He spoke in favour of the existing corn laws, in opposition to Mr. Smith.  
 3066. The general topic of the opposition was that the corn laws ought to be abolished, I suppose?—Yes, it was.

Mr. Cockburn objected to this examination.

Mr. Serjeant Wrangham was heard in support of the examination, and stated that he should show the examination was relevant.

Mr. Cockburn withdrew the objection.

3067. Mr. Serjeant Wrangham.] You stated that Mr. Wilkins dined in the same room with you at the New Inn?—Yes.  
 3068. Was there a great excitement in the town on the subject of the corn laws *pro* and *con*?—A very great excitement, indeed.  
 3069. Mr. Wilkins addressed the electors in defence of the existing corn laws?—Yes.  
 3070. And I suppose endeavoured to make out that they were not so injurious as they were supposed to be?—Yes.  
 3071. You mentioned as the reason for your sleeping at the inn that night, the state of excitement the town was in; was it of such a nature as to create an apprehension of violence?—It was not altogether on that account I slept there; I slept there because I considered I might be wanted early in the morning.  
 3072. I did not ask what was your reason for sleeping there, but whether there was an apprehension of violence?—I anticipated it myself, certainly.  
 3073. Did the violence you had anticipated yourself actually take place in the course of the night?—It did.  
 3074. Was the inn in which you slept broken into, or attempted to be broken into?—It was.  
 3075. Was that by a large crowd of persons in the town?—It was by a large crowd of people; I did not see them; I only heard them.  
 3076. Do you know whether that attempt to break into the inn was repeated more than once?—It was twice.  
 3077. The attack was renewed after the first time?—It was.  
 3078. Do you know that, in the course of this excitement that night and on the subsequent day, great personal violence took place?—Yes.  
 3079. On individuals?—Yes.  
 3080. In what interest were those individuals who were made the subjects of that personal violence?—Mr. Gladstone's.  
 3081. Did that at last arrive at such a height that the military were obliged to be sent for?—Not that night.  
 3082. On the following day?—On the following day the military were sent for.  
 3083. To protect the voters of Mr. Gladstone from the violence of the other side?—Yes, to preserve the peace.  
 3084. You have given us the names of several persons who were more or less at this assembly-room; how many people have you seen there together at a time?—I have seen a great many there on several occasions.  
 3085. How many do you say?—When Mr. Wilkins spoke, I suppose there were 250 or 200.  
 3086. The number fluctuated at different times?—Yes.  
 3087. You have told my learned friend there were a good many people dining with you in the commercial-room at the New Inn on the day of nomination?—There were several.

3088. Can

3088. Can you give us the names of those gentlemen; first of all, were they or not electors?—There were the editor of the "Town's Messenger," Mr. Wilkins, myself, Mr. Sinclair, Mr. French of Birmingham, Mr. Bates of Birmingham, and the mayor of Dudley; I do not know what his name was.

Mr. C. Brookes.

24 March 1841.

3089. Are Mr. French and Mr. Sinclair inhabitants of Walsall?—No.

3090. Do you know where they live?—At Birmingham.

3091. Mr. Beach?—I mentioned the mayor of Dudley; I believe his name is Beach.

3092. Were there any other gentlemen from Dudley?—I do not recollect.

3093. Did you mention Mr. Bogle?—No; I do not know his name.

3094. There were some gentlemen present whom you did not know?—Yes, there were.

3095. You mention having once dined, I think, in the course of the election, or some days previous, at the King's Arms, at Boxwich?—Yes.

3096. Is the landlord of that house a supporter of Mr. Gladstone?—No.

3097. Do you happen to know on which side he voted?—He voted for Mr. Smith.

3098. I think you told us, that at the dinner, when you ordered the wine, you went and paid for it?—Of course I did, and I expect every individual did so; I never had any wine during the election that I did not pay for.

Re-examined by Mr. Cockburn.

3099. You say you believe it was paid for; are you sure?—I am sure; for my own part I paid.

3100. My learned friend has asked you as to violence being expected this night; the anticipation of violence did not prevent your going to bed?—No, I was quite as safe there as any where.

3101. You say the reason you staid was, that you should be wanted in the morning?—Yes, I knew I should be wanted in the morning.

3102. At what time?—Perhaps six or seven.

3103. For what purpose?—To fetch voters, perhaps, or something of that kind.

3104. You knew you should be wanted?—I thought I should be wanted.

3105. Your answer was, you knew you should be wanted in the morning to fetch voters; what voters should you be required to fetch?—It is impossible I could tell that till the time.

3106. How did you know you should be wanted to fetch voters?—Because it is the duty of the persons attending Mr. Gladstone's room to do that.

3107. The committee-room was the phrase you used, was it not?—No, I said Mr. Gladstone's room.

3108. What led you to think you should be required to fetch voters at six or seven o'clock in the morning?—Because I had been taking a part for Mr. Gladstone.

3109. Why was it necessary to fetch voters at six or seven in the morning?—A great many voters live at a considerable distance from the town.

3110. At what distance?—Two or three miles.

3111. At what time did the poll commence?—At eight o'clock.

3112. Did you fetch voters?—I did not.

3113. Did any body fetch them?—I did not see any body go.

3114. Did you see any body sent to fetch them?—No, I did not.

3115. At what time did you leave the New Inn?—At six, or half-past six.

3116. At what time did you get up?—I was up about three, when the disturbance took place; then I went to bed again, and got up about half-past six, from six to half-past six.

3117. As soon as you were dressed, did you go away home?—I did.

3118. What do you mean by saying you slept there that night because you thought you should be wanted to fetch voters, and yet the moment you were dressed you went away home; upon your oath, do you mean, in the face of those facts, to state that you slept there that night because you thought you should be wanted to fetch voters in the morning?—That was one reason.

3119. Will you swear that that was any part of your reason?—Yes.

3120. How happened it, then, that you went home the moment you got up?—Because I altered my mind upon the subject, and thought I would go home.

3121. When did you alter your mind?—When I went home.

219.

Q 2

3122. You.



Mr. G. Brookes.

24 March 1841.

3122. You slept there that night for the express purpose of being wanted to fetch voters in the morning, and yet the moment you got up you went home?—Yes.

3123. You say that was one of your reasons for sleeping there; what was the other?—I felt very much inclined not to go home, I was so tired.

3124. Do you mean to say, your fatigue was the reason you did not go those 500 yards home?—No, it was not; that was one reason I told my wife not to sit up for me, that I would sleep at the inn.

3125. That might have been a reason for telling your wife; but why were you to sleep at the New Inn that night?—I had no other reason.

3126. Do you mean to say, your only reasons were your fatigue, and that you thought you should be wanted to fetch voters in the morning?—Yes.

3127. Who paid for the bed that night?—I did not pay at all; Mr. Kilner would not think of charging me for a bed at his house.

3128. Was he as indulgent with regard to wine?—No; I should be very sorry to require that.

3129. Perhaps you would be equally sorry about the bed?—No, I should not think of offering him for the bed; I am sure we were upon such intimate terms, he would give me a bed at any time.

3130. Did the other gentlemen who took brandy and water sleep at the inn that night?—I should say not, with the exception of Mr. Bates, of Birmingham, perhaps.

3131. You say, an attack was made on the inn in the night; do you know that that was in order to get out the voters you had got there in bed?—I know it now; I did not know it then.

3132. It was in order to get away the voters you had got in bed there?—I did not know that there were any in bed there.

3133. Perhaps you know it now; how many were there in bed there?—I do not know.

3134. Who were the voters you saw; when you got up in the middle of the night who appeared to you to come from the interior?—I saw a person of the name of Taylor; I remember seeing him in the passage.

3135. John Taylor?—I think his name is John.

3136. What is he?—An auctioneer.

3137. Whom else did you see? I saw Wood.

3138. What is he?—A publican.

3139. William Wood?—Yes.

3140. Whom else?—I do not remember any others; I remember those two.

3141. What house does Wood keep?—I think it is the Bull's Head.

3142. I dare say, if you tax your recollection, you can tell me some more whom you saw come from the interior of the house?—I do not remember; I did not notice them.

3143. Will you swear there were not more than a dozen of them?—No, I will not.

3144. Two dozen?—I will swear I did not see two dozen.

3145. Taylor and Wood you saw?—Yes.

3146. I must call to your recollection; I asked you those two names before, and you said you did not recollect?—I did not see them till I got up in the morning; I was not aware they were in the house.

3147. Mr. Thomas; Mr. Samuel Thomas?—No.

3148. Mr. Henry Wade?—No, not at that time when I got up.

3149. When did you see him?—I think previously to my going to bed I saw him.

3150. Samuel Francis?—I did not see him.

3151. Isaac Webb?—No.

3152. Joseph Gould?—I did not see him.

3153. Thomas Profit?—No.

3154. William Briggs?—No.

3155. Did you see a man of the name of Marlow there?—I did not.

3156. Not at any time that night?—No.

3157. What did you see in the morning; did you see any body about before you went away?—No.

3158. Did you go straight from your own bed-room?—Yes.

3159. In what part of the house were you?—No. 2.

3160. What part of the house is that?—Just at the top of the stairs.

3161. When

3161. When you came down in the morning, did you go into the public room? —No. *Mr. C. Brookes.*
3162. You do not know whether there were any people drinking there?—No. *24 March 1841.*
3163. You have been asked about Mr. Barnet's clerks; had he any clerks there?—Yes, I saw one or two clerks occasionally.
3164. You say that Mr. Gladstone's friends had access to the large room; had they to the small?—No, I should think not.
3165. Had the gentlemen who generally attended in the committee-room access to it?—If they had any thing to communicate.
3166. Those circulars you have spoken of were not sent to the electors generally, but to certain individuals in the habit of attending there?—They were sent to the persons supposed to be the friends of Mr. Gladstone.
3167. Do you now mean to say that those circulars were sent to the whole body of the electors generally?—No, not the whole body.
3168. They were sent to the gentlemen who were in the habit of attending in the committee-room?—They were sent to the gentlemen who were supposed to be in favour of Mr. Gladstone.
3169. What I am drawing your attention to is, whether they were sent to the whole body of electors in Mr. Gladstone's interest, or whether they were sent to those more influential members of the party who generally attended in that committee-room?—They were sent very generally to the whole of the gentlemen who were his friends.
3170. Do you mean to say, that those circulars to attend at 10 in the morning, were sent to the whole body of electors in his interest?—No, I will not undertake to say that, for I do not believe that they were.
3171. How many do you believe were sent?—I believe a hundred of them were sent.
3172. Do you mean to say that that hundred were to attend in that committee-room?—I think at first there were 100 sent.
3173. Do you mean to say, the last two or three days there were 100 sent, requesting them to attend the committee-room?—I think there were as many as that sent.
3174. Mr. Serjeant *Wrangham*.] Did you either sign, fold or direct, or take those circulars yourself?—No.
3175. Or see them signed, folded or directed, or sent?—No.
3176. Mr. *Cockburn*.] I ask you again, whether you mean to represent that you believe those circulars to have been sent to the body of electors generally in Mr. Gladstone's interest, or whether they were not sent to the gentlemen who were generally in the habit of attending the committee-room?—I think they were sent generally to the amount of a hundred.
3177. How many electors voted for Mr. Gladstone?—I forget.
3178. *Committee*.] At what time did you first determine to stay all night at that inn?—When I left my own house.
3179. At what o'clock was that?—That was about, I should say, 11 or 12 o'clock in the forenoon.
3180. You determined in the morning to remain there all night?—I did.
3181. What led you to form that resolution at that time of the day?—Simply because I thought I should be late, and I did not wish to get my mistress to sit up for me.
3182. Did you remain in the inn from 11 in the morning till half-past six the next morning?—No, I left home at 11.
3183. At what time did you get to the inn?—I should think about two o'clock.
3184. Did you remain there till the next morning?—No; I did not remain there the whole of the time.
3185. You stated that when you came to this committee-room or assembly-room, you came there to receive orders?—Yes, I did.
3186. And there your orders were to call upon persons who had not been canvassed?—To call upon persons who had not been canvassed, or that required canvassing again.
3187. The circulars sent were not sent out to those persons whom you were directed to canvass?—The orders were given sometimes to one person and sometimes to another.
3188. You came to this committee-room to receive orders?—Yes.
3189. The orders you received were to go and canvass?—Yes, to accompany Mr. Gladstone generally.
219. Q 3 3190. You

Mr. C. Brookes.

24 March 1841.

3190. You canvassed those who had not received orders to come to the committee-room, probably?—I should imagine so.

3191. Those orders were not circulated universally amongst the electors, but were given to some portion of the electors?—To a certain portion who were appointed to canvass with Mr. Gladstone every day; I was among the number sometimes.

3192. You believe the number so summoned to attend might amount to 100?—That is my idea; I may be incorrect in the number.

3193. (*At the suggestion of the counsel for the Petitioner.*) Did you, after you left your house at 11 o'clock in the day, go home in the course of the day?—I did not.

3194. Did you see a person of the name of Thomas Lucas at the inn that night?—I do not know him.

3195. Do you know James Lucas?—There are so many Lucases in the town, I do not know which is James; can you tell me his occupation?

3196. Do you know James Lucas, the accountant?—Yes, I do.

3197. Did you see him?—I think I saw him in the private room that night.

3198. Was he taking refreshment?—He was there smoking his cigar, and having a glass of grog, like myself.

3199. Did not he serve out liquor that night?—Not in my sight.

3200. Was he there at the time you were there?—No, he was not.

*Joseph Marlow* was called in; and, having been sworn, was Examined by Mr. Serjeant *Merewether*, as follows:

*Joseph Marlow.*

3201. ARE you an elector of Walsall?—Yes, I believe so.

3202. Were you at Walsall at the last election?—Yes.

3203. What is your employment?—A bone brush-maker.

3204. Do you know Mr. Joseph Busst?—Yes.

3205. Are you in his employment?—Yes.

3206. Was Mr. Busst, at the last election, active for Mr. Gladstone?—Yes, I have seen him about.

3207. Did he canvass at all for Mr. Gladstone?—I do not know about canvassing, but I have seen him about.

3208. Had he been about asking the voters for Mr. Gladstone?—He might, or might not.

3209. I ask you what you know about it?—I think he has.

3210. Do you know his son too?—Yes; he has three sons.

3211. Have you any doubt that Mr. Busst and his son were both active for Mr. Gladstone at the election?—I have no doubt but what they were.

3212. Do you remember the day of nomination?—Yes, I do.

3213. Did you go to the committee-room on that day?—I did, the large room.

3214. At the George?—Yes.

3215. I believe the room they called the committee-room is the room up-stairs?—Yes; it was said at the bottom, "To the committee-room," or something of that kind.

3216. It was marked on "committee-room?"—Yes, in big letters.

3217. Do you know Mr. Barnet?—Yes.

3218. Did you go to that room when Mr. Barnet sat in the room?—Mr. Barnet was there, and many more gentlemen.

3219. When you spoke of the large room, it was the ball-room?—What they call the assembly-room.

3220. There is a passage leading to another room?—Yes; as you go up-stairs the assembly-room is that way, and the other rooms the other way.

3221. Did you go to another room in that passage?—No, I only went into the big room.

3222. You did not go into a smaller room?—No, I never did.

3223. Do you mean to say you did not go there at any time?—No; I was never in it, only in the assembly-room.

3224. When you were in the assembly-room, did you see Mr. Barnet there?—Yes.

3225. Do you know Mr. Jesson?—Yes.

3226. We understand he is an attorney?—Yes, he is, I believe.

3227. Did you see him there?—Yes.

3228. Mr. Barnet was very active in the election?—Yes.

3229. Did

*Joseph Marlow.*

24 March 1841.

3229. Did you see whether he took the principal management?—No; he went about canvassing.

3230. You saw him in the committee-room?—Yes.

3231. Were you there more than once?—I have been there only when meetings were called.

3232. How frequently was that?—I cannot say; there were papers sent round to attend at the Operative Association.

3233. When you had papers sent round, you went there?—Yes, sometimes; I did not always attend.

3234. Have you seen Mr. Barnet there?—Yes, sometimes I have seen him there.

3235. Did you always see Mr. Jesson when you were there?—Not always.

3236. But very frequently?—I saw him two or three times.

3237. Was he doing business about the election?—No; he used to walk about the same as any stranger.

3238. Did you see him doing any thing, or giving directions about the election?—No.

3239. Did you find out what brought him there?—No.

3240. Whereabouts does Mr. Jesson live in Walsall?—In what they call Bridge-street, I think.

3241. Has he an office for business there?—Yes.

3242. Did you see him frequently at this committee-room doing nothing?—When I have been there, I believe there was a meeting called, perhaps something to be done; a meeting about the business.

3243. You say, on the day of the nomination you went to this room?—Yes, I did.

3244. Do you know the New Inn?—Yes, I do, very well.

3245. Had you any directions to go to the New Inn?—Not from the committee-room.

3246. Had you any directions from any body to go to the New Inn?—No; I was going down town after the nomination was over, I had had a cup or two of ale, and was going home to dinner; I met one of the electors, and he asked where I was going; I said I was going home to dinner; he said, go with me and have a little dinner with me; I asked where he was going; he said he had got a steak getting ready at the New Inn, and I should go and have a share with him; I said I did not care, but I had rather go home, for I expected my mistress might be poorly.

3247. Who told you this?—A man of the name of Stanton, a butcher.

3248. In consequence of this, did you go?—Yes, I did.

3249. Where did you go?—To the New Inn.

3250. Before you went to the New Inn, did you see Mr. Barnet at all?—Yes, I did; for I went up to the committee-room and saw Mr. Barnet there; I went up for a ticket to go on the hustings, because I could not get near it.

3251. What took place then?—I went to the New Inn and had a steak with this man.

3252. Do you know a man of the name of Davis?—I was told afterwards that his name was Davis.

3253. You saw a person whom you afterwards knew to be Davis?—Yes; when I went to the New Inn I had part of a steak with this man.

3254. With this butcher?—Yes.

3255. How long did you stay at the New Inn?—I stopped all night.

3256. Whereabouts is your own house?—I suppose it is 500 yards from the New Inn; I cannot say exactly.

3257. What made you stop at the New Inn all night?—I got tipsy.

3258. Whom did you get tipsy with?—Friends who were there.

3259. Were there many people there?—I cannot tell; there were three gentlemen writing when I first went in; they were reporters for the press.

3260. You say you got intoxicated; did you see any electors there?—Yes, I did.

3261. Were they many or few?—Few.

3262. Where did you see them?—I saw them in the room.

3263. In that same room?—Yes.

3264. Did you see any of them in the other room?—No, I did not.

3265. Can you tell the names of those you saw?—No; after I had three or

*Joseph Marlow.*

24 March 1841.

four glasses of sherry, I got so tipsy I lay under the table, they told me; I had drank so much I fell asleep, and lay under the table.

3266. Mr. Serjeant *Wrangham*.] Had you been in this room before you were called?—No, I never was in the place before.

3267. Mr. Serjeant *Merewether*.] When you awoke, you found yourself still at the inn?—Yes; and I drank some more again; some brandy.

3268. After that had taken place, did you want to go home that night?—Yes; the second time I got tipsy they got me to bed, some of them did, and when I awoke I did not know where I was, and I began to kick the door, and wished to go out; I wanted to go home, but I stopped and got some more liquor.

3269. Was any body having liquor with you?—Any body that liked to come had it; two or three shopmates of mine were there and had it.

3270. Were they electors?—No.

3271. You say you saw some electors there when you got better, and went down-stairs; were there still some electors there?—There were some electors in the room.

3272. How many?—I cannot say; I know there were two or three.

3273. Can you tell me their names?—Yes; there was Taylor, the auctioneer; and another of the name of Tunks.

3274. Do you know a man of the name of Simeon Burns?—Yes, very well.

3275. Did you see him there?—I cannot positively say that I saw him there.

3276. Do you know William Wood?—Yes; I know he was there.

3277. Samuel Tunks?—Tunks; he was there.

3278. Henry Wade?—I did not see him there.

3279. Samuel Francis?—No; I do not recollect seeing him there.

3280. Isaac Webb?—There was Webb, the stonemason, there, I think.

3281. Was Joseph Gould there?—I do not know the person.

3282. Thomas Profit?—I did not see him.

3283. William Briggs?—Yes; Briggs was there.

3284. Was Davis there?—A man they called Davis was there.

3285. Did you see any liquor of any kind?—I did not pay for what was brought up; those non-electors chiefly brought it up; those shopmates of mine.

3286. What liquor did you see there?—Brandy and wine.

3287. Did Davis order any wine?—Not to my knowledge; I did not order it; it came up; I do not know who ordered it.

3288. Was there brandy and wine upon the table there?—Yes; half a dozen at a time, if we wanted it.

3289. Was Davis there?—He was there; a man whom they called Davis; I did not know what his name was for two or three days.

3290. You say that wine was brought up and put upon the table; did the electors you saw there have any of it?—Any body that liked that was there had it.

3291. When you found yourself in bed, and wished to get out, was the door fastened?—I cannot tell; I fell down, and I could not dress myself; when I found the door, some body came and dressed me, but I could not tell where I was.

3292. Did they wish you to go home?—They said I might go if I wished; but that I should get killed, for there was such a mob round the place.

3293. Did you hear any thing of breaking windows?—They said, "You had better stay here and get sober;" I said I would break the windows if they did not let me go out; I wanted to know where I was, and after I got dressed I wanted to go home.

3294. Were they willing to let you go home, or did they keep you there?—They took me home.

3295. Did they try to keep you?—They said there was a mob breaking the gates open, and I should get killed if I went out then.

3296. Was Mr. Henry Busst there at all?—Yes, he was.

3297. Was your wife also there?—She came to me, and told me it was about 11 o'clock, and said there was a party come from the other side, and had surrounded the back and front of the premises, and they would have me if they could find me any where.

Mr. Serjeant *Merewether* applied to the Committee to expunge the last answer of the witness.

[The Witness withdrew.

Adjourned till To-morrow, at Eleven o'clock.

*Jovis, 25<sup>o</sup> die Martii, 1841.*

LORD ELIOT IN THE CHAIR.

The names of the Members were called over; all present.

Mr. Serjeant *Merewether* was heard in support of his application to expunge the last answer of the witness yesterday, and stated that the witness having proved that his wife was present, she was the only proper witness of the facts which she stated to her husband, it being hearsay evidence on his part.

Mr. Serjeant *Wrangham* submitted that the answer must continue on the minutes as a declaration accompanying the act, and as containing a statement which influenced the mind of the voter in remaining in the inn.

Mr. Serjeant *Merewether* was heard in reply.

The Committee-room was cleared.

After some time the Counsel and parties were called in, and informed that the Committee had determined that so much of the answer as relates to the declaration of the wife be expunged.

*Joseph Marlow* was again called in; and further Examined by Mr. Serjeant *Merewether*, as follows:

3298. YOU told me yesterday that you went to the assembly-room?—Yes, I did.

*Joseph Marlow.*

3299. And that you saw Mr. Barnet there?—I did.

25 March 1841.

3300. Did you see Mr. Jesson also there?—Yes, he was there.

3301. Did you have any conversation with Mr. Jesson?—No.

3302. Did I understand you had some conversation with Mr. Barnet?—I asked him for a ticket to go on the hustings.

3303. Did he give you one?—Yes.

3304. Did you stay long in the assembly-room that morning?—No, not three minutes.

3305. Was Mr. Barnet there all the time you were there?—Yes, I believe he was.

3306. And Mr. Jesson too, probably?—I cannot exactly say; there were several who were walking to and fro.

3307. I think you said you saw a person of the name of Davis there?—No, not at the assembly-room.

3308. You did not see him there at all?—No.

3309. I think you went from the assembly-room to the New Inn?—Yes, I did.

3310. At what time of the day was that?—After the nomination was over.

3311. Did not you go directly from the assembly-room to the New Inn?—No, I walked up the town and was coming back to go home to my dinner.

3312. I think you told me yesterday that you knew Davis, a man whom you heard was Davis?—I did not know his name till afterwards; they said his name was Davis.

3313. Did you see him at the New Inn?—Yes, I did.

3314. As soon as you got there?—No, some time after.

3315. How soon after?—I suppose a quarter of an hour or better.

3316. What time of the day was it you arrived at the New Inn?—I cannot exactly say; about dinner time.

3317. Was it one o'clock or twelve o'clock?—About one o'clock, I should think.

3318. Then I understand, in point of fact, you remained there from one o'clock till about two o'clock in the morning?—Yes, I believe I did.

3319. Did you have your dinner there?—Yes; when I first went there I had some steak.

3320. Were there any other persons there when you first went?—Yes, some gentlemen of the press writing down what had been said.

219.

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3321. Were

*Joseph Marlow*

25 March 1841.

3321. Were there no other persons there?—No others besides the person who went with me.

3322. You told me you afterwards saw other electors there?—Yes, I did.

3323. How long was it after you had gone there before other electors came in?—I cannot exactly say how long it was; perhaps an hour, or perhaps two or three.

3324. Cannot you tell me the names of those who first came in?—No, I cannot; I got tipsy soon.

3325. You got tipsy so soon?—Yes, I did.

3326. In what room was it you were?—The long room, divided by two or three partitions.

3327. A sort of ball-room or club-room?—A club-room, or something of that kind.

3328. There you got tipsy, as I understand?—Yes.

3329. Were you so tipsy that you could or could not see the people who came in in the meantime?—I did not take any notice in particular till towards afternoon late, as I saw two or three that I knew.

3330. You were first tipsy, and then tipsy again afterwards; when did you first come to yourself?—After I had been in bed some time.

3331. Do you know at all who took you to bed?—No, I cannot say.

3332. You were so intoxicated you do not recollect that?—No.

3333. Then, you say, waking and finding yourself in bed, you wanted to get out, and knocked at the door?—I did not know where I was.

3334. You said you would break the windows?—No; I rapped at the door; I thumped at the door, and they said, "You" had better keep still, you must stop a little, you have not had your sleep out.

3335. Did they tell you why it was they kept you there?—No, I cannot say; it was some body outside the door.

3336. When the door was opened did you see who it was?—Yes, I saw one was Mr. Henry Busst.

3337. How many were there?—There was more than one, perhaps.

3338. Two or three?—Yes.

3339. Can you tell me the names of any others?—No, I cannot, for I was undressed then; I could not dress myself.

3340. Who helped you to dress yourself?—Mr. Busst.

3341. Will you just tell me what took place then after he had helped to dress you?—I went into the room again.

3342. You went down into the long room?—Yes.

3343. Did you find more people there than you had seen when you were first there?—Yes.

3344. Were those electors?—Yes, there were electors and non-electors; there were two of our shopmen.

3345. You mentioned yesterday that there was wine and brandy on the table; was there plenty on the table when you went down?—Yes.

3346. Wine and brandy and champagne?—I do not know what the wine was.

3347. There was plenty for every one to drink?—Yes.

3348. Had they all what they liked?—I do not know; I had what I liked; they gave them drink when they wanted it.

3349. Were there any intoxicated there?—No, I cannot say particularly.

3350. Can you tell me near about what time in the night this was?—No, I cannot.

3351. Were there candles?—I cannot say whether there were candles or not.

3352. Do you recollect how it was when you got out of bed; was it dark or light?—They brought a candle, they brought a light; I cannot say whether it was a candle or a lamp.

3353. Did any thing take place afterwards; I think you said you got tipsy again?—Yes, I did.

3354. Did nothing take place to tell you what time of night it was?—No, I never asked.

3355. The people were moving about, were they?—Yes.

3356. And there were a good many in the room?—Yes.

3357. Can you tell me the names of any you saw in the room then?—Yes, Mr. Taylor, the auctioneer, was there.

3358. He is an elector?—Yes, I believe so.

3359. John

*Joseph Marlow.**25 March 1841.*

3359. John Taylor?—Yes.
3360. Can you recollect any body else?—Yes, one Mr. Wood.
3361. Can you give me any other name?—Yes, there was one Mr. Webb, I think.
3362. Can you tell me at all how long you were in the room this second time?—No, I cannot.
3363. I learn from you that you became tipsy again?—Yes, I drank some liquor again; I was thirsty.
3364. Did you afterwards get back to the bed-room?—No, I said I would go home, and they said I could not go then, for there was such a mob and such a row against the gates.
3365. Who told you that?—The people in the room; I cannot say who they were.
3366. Was Mr. Henry Busst among them?—He was amongst them; they said there was such a mob at the gates that they were breaking and destroying such and the other, and I saw some of them were bleeding.
3367. Did you still express a wish to go home?—Yes, and when the thing got a little quiet, I went home and went to bed.
3368. Was that soon after you expressed a wish to go home, or did they keep you there?—They only kept me while the mob was at the gates.
3369. At what time did you go home?—I suppose two or three in the morning.
3370. How long did they keep you there?—They told me that the mob would soon be quiet, and that then I should go, so that I should not get hurt.
3371. Cannot you fix the time; a quarter of an hour or half an hour or how long?—I cannot at all.
3372. You slept that night at your own house?—Yes.
3373. The next morning at what time did you get up?—I suppose between seven and eight, I cannot exactly say.
3374. Did any body go home with you?—Yes.
3375. Who went home with you?—The two Mr. Bussts.
3376. They went home with you?—Yes, one on each side of my arms, as they told me.
3377. Are you sure that Mr. Busst went with you?—My wife told me, "You got pretty tipsy"—
3378. Do you know that Mr. Busst went home with you?—Yes, I think I remember something of it.
3379. At what time did you get up again the next morning?—I think between seven and eight.
3380. Did you breakfast at home, or where did you breakfast?—No, I breakfasted at the Stork.
3381. Before you went to breakfast at the Stork, did any body come to your house to you?—Yes.
3382. Who came to you?—Mr. Busst.
3383. Which Mr. Busst?—Both of them.
3384. That was about seven o'clock?—Between seven and eight, I expect.
3385. Did they go with you to the Stork?—Yes.
3386. When you got to the Stork, did you find the breakfast prepared?—Yes; and it was very near the polling-booth, and the people were having breakfast.
3387. Were there many people breakfasting there besides yourself?—Yes, there were voters.
3388. Twenty or 30 or 40?—I suppose 15 or 16; but there was another place where they were providing breakfasts, as I thought.
3389. *Committee.*] This was on the morning of the election?—Yes.
3390. Mr. Serjeant *Merewether.*] Do you mean 15 or 16 in the same room?—I cannot count; they sat at the large dining-table, and there was coffee handed round.
3391. Whatever the number, they were in the same room with you?—Yes.
3392. While you were at the Stork that morning, did you see any electors in the other room?—Yes; there was a parlour that way, and a parlour that way.
3393. Were there voters in both the parlours?—I did not go into the other parlour till afterwards, but I saw voters going in and out.
3394. Did you see that there was breakfast going on there?—No; but I saw some that could not sit in the room where I was went into that other room.



*Joseph Marlow.*

25 March 1841.

3395. Did you go direct from the Stork up to the polling-booth?—No; for after I had been there and had my breakfast I was very sick, and could not go; I was very ill indeed.

3396. Did you remain at the Stork?—No; I had a walk up and down the yard.

3397. Up and down the yard of the Stork?—Yes.

3398. Then you went afterwards to the poll?—I did.

3399. Did the other people who were with you go to the poll too?—Yes; a many went; the polling-place was full, and the yard was full.

3400. Did you see them go off from the house?—Yes; up to the polling-booth.

3401. I understand you were at your own house that night, and slept there; do you know whether the door of your room was locked?—No; there is never a lock to it; to my own house door there is, but not to my own room door, I mean.

3402. Did you try your door?—To my front door and my back door there are locks.

3403. Do you know who locked your door that night?—No, I do not know any thing about it.

3404. How did you find it in the morning?—Before I got up I called my son up; he got up and made a fire.

3405. Where did you first see Mr. Busst; when you went down-stairs was he waiting below-stairs for you?—Yes, he was waiting.

3406. Did you chance, while you were above-stairs, to hear when Mr. Busst first came to your house that morning?—No, I did not; my mistress waked me and said, "It is towards eight o'clock; they have been rattling the door for you;" and then I got up.

3407. Did you hear the door rattle?—No, I did not.

3408. What became of you after you had done polling?—I went back to the Stork.

3409. How long did you stay there?—I stopped, walking about, seeing the people go to the poll.

3410. Did you have any thing else after you came from the election?—Yes, I had.

3411. As much as you liked?—I asked for a glass of brandy, and I had it.

3412. Did you pay for it?—No, I did not.

3413. You did not pay for any thing at the New Inn or the Stork?—I do not know; I had two shillings in my pocket when I went to the New Inn; I had none the next morning, and I asked my wife, "What is become of it?"

3414. Did you pay any thing at the Stork?—No.

3415. Was there plenty at the breakfast at the Stork?—Yes; there was a table, and the people were sitting round it.

3416. They had whatever they liked?—Tea and coffee.

3417. When you were at the assembly-room, was the New Inn mentioned to you by any body?—No.

3418. Did Mr. Barnet say any thing to you as to where you were to go?—No; a person I met in the street asked me to go there with him, as I have said yesterday.

3419. Do you mean Staunton, the butcher; was he the person you referred to?—Yes.

3420. You say you saw Davis at the New Inn?—I saw a person called Davis.

3421. Did you see him there immediately?—No; some time after.

3422. Was that before you were tipsy the first time?—Yes.

3423. Did you see him when you had come down-stairs from your bed-room?—No, I did not, to the best of my recollection.

3424. Did you see him again any more that night?—No, not to the best of my recollection.

Cross-examined by Mr. Serjeant *Wrangham*.

3425. My learned friend has asked you whether you were twice drunk during this time; were you ever perfectly sober after you were drunk the first time?—The next morning I knew what I was doing.

3426. That was after the second drunkenness?—Yes.

3427. In the interval between the two intoxications were you ever sober?—No.

3428. You

*Joseph Marlow.*

25 March 1841.

3428. You could not dress yourself, as I understand, after you had been asleep?—No, I could not.

3429. Then, at the time you could not dress yourself, we must take you to have been still drunk?—Yes.

3430. You say your wife came to the inn about 11 o'clock the night before?—I do not know exactly the time; but she told me on the next morning it was about 11.

3431. Did your wife say any thing to you when she came?—Yes.

3432. I do not ask what your wife said; but in consequence of something that your wife said, did you remain at the inn?—Yes; she said that if I went home I should be killed, there was such a row.

3433. Mr. Busst is your master, is he not?—No, he is not my master.

3434. Perhaps I may offend your feelings by calling him your master, but your employer?—No; his father.

3435. Mr. Busst, senior, is your employer; and Mr. Busst, junior, is his son?—Yes.

3436. Those are the two Mr. Bussts you spoke of?—No; the two sons.

3437. Are you quite sure there were two, or only that you saw two?—There were two there.

3438. According to the best of your judgment and recollection?—Yes.

3439. Did you not see two of a great many things?—I saw too many twos.

3440. You say you saw persons bleeding that night?—Yes.

3441. Was that after you got up, when Mr. Busst helped you to dress yourself?—I cannot exactly recollect whether it was before or after.

3442. Did you hear of any disturbance about the time you saw them bleeding?—No; I could not hear when I was in this room; it lay backwards.

3443. You only saw the wounded men; you did not see the attack?—No.

3444. Were there a good many of them bleeding in this way?—Yes, I saw two or three bleeding, according to my recollection.

3445. Did they appear to have been severely wounded; where did the blood come from?—One or two appeared to have had a blow.

3446. Did they appear to be bleeding chiefly from the head?—Yes.

3447. Were there several of them?—Yes.

3448. Was it then or after that that they told you that it was not safe for you to go home, for that you would be killed if you did?—I cannot well say whether it was before or after.

3449. I suppose I may take for granted that your recollection of every thing that passed was rather indistinct on this night?—No; at intervals after I had had a cup or two of tea for two or three minutes I was better.

3450. You rallied at intervals after a cup of tea, but, generally speaking, you were not in a state to make very accurate observations?—No.

3451. Have you been a voter at Walsall a good while?—Ever since the first election; I did not vote at the first; I have ever since.

3452. Have you always voted on the same side?—Yes.

3453. For the Conservative party, or whatever it is called?—Yes.

3454. Had you promised your vote in favour of Mr. Gladstone at this election?—Yes, I had.

3455. Early in the canvass, probably?—Yes.

3456. When you returned to the inn, after your wife came, were you under an apprehension of violence if you went out?—Yes, I was then; when my wife came and said, "See how they are bleeding."

3457. She said that, pointing to those people?—Yes.

3458. Tell me whether this is the account we are to understand you to give to the Committee, that you were walking down the town, about one o'clock in the day, to go home to your dinner, on the day of the nomination, when Mr. Staunton, the butcher, asked you to go and take part of a steak with him?—Yes; he asked me where I was going; I said, home to my dinner; he said, "Come with me, I have a steak doing at the New Inn."

3459. The steak was very good and the accompaniments very agreeable, and you got tipsy?—Yes.

3460. Then your wife came, and you were going, but she made you stop?—Yes; she said that the people were about the house, and that they were determined to have me out if they could.

3461. Was that your own house?—Yes.

*Joseph Marlow.*

25 March 1841.

3462. My learned friend has asked whether your own house-door was locked that night?—I suppose it was.

3463. I suppose it is generally locked?—Yes, back and front, and bolted too.

3464. Without any electioneering reasons?—Yes.

3465. In the morning did you go to open the door?—No.

3466. Did your wife go to open the door?—Either my wife or my son, I cannot say which.

3467. That was about seven or eight o'clock?—Yes.

3468. When you came down you found Mr. Busst waiting for you, I think you say?—Yes.

3469. You spoke yesterday of a meeting of the Operative Conservatives' Society as being held in the assembly-room; do you remember how long that was before the election?—No, I cannot say.

3470. Was it within a week, or how long?—I am sure I cannot say; the Operative Conservatives' Association was to hear Mr. Wilkins give a lecture on the corn laws.

3471. Was that the purpose for which the meeting was assembled?—Yes, it was.

3472. It was held in the assembly-room, which was called the committee-room?—Yes.

3473. That was at the George?—Yes.

3474. You must not be angry with me for this question; I believe you are rather fond of a glass when you can get it?—Rather too much so, more the pity; when I begin to have some it generally lasts me for a week, for I cannot eat anything, and I generally go and ask for more.

3475. You seldom miss an opportunity, whether at an election or at any other time?—No.

[The Witness withdrew.]

The Counsel for the Petitioner were informed that it was the wish of the Committee that they should proceed to the proof of agency, unless they could assign any reason for not doing so.

Mr. Cockburn stated that he was about very shortly to give evidence which would connect itself with Mr. Barnet.

*Simeon Burns* was called in; and, having been sworn, was Examined by Mr. Cockburn, as follows:

*Simeon Burns.*

3476. DO you live at Walsall?—Yes.

3477. You are a voter, I believe?—Yes.

3478. Were you canvassed at the last election by Mr. Gladstone?—Yes.

3479. Who accompanied Mr. Gladstone to you?—I do not know who it was that came into the house.

3480. Do you know Mr. Edward Swift?—Yes, I know him.

3481. Did he accompany Mr. Gladstone?—Not into the house.

3482. Did he come to the door?—I saw him in the street.

3483. Do you know Mr. Joseph Busst?—Yes, I do.

3484. Is he the elder or the younger?—The elder.

3485. Did he come to fetch you on the nomination-day?—At night.

3486. At what time?—I think about seven o'clock.

3487. *Committee.*] Were you in the room during the examination of the last witness?—I was not; I have not been in this room since I came to town.

3488. Mr. Cockburn.] On the evening of the nomination-day, at seven o'clock, you say Mr. Busst came to you; where did he take you to?—Well, I went to his house.

3489. How long did you stay there?—Well, I do not know justly; perhaps two hours.

3490. At the end of that time where did he take you to?—I went to the George.

3491. Did you go to the New Inn first, or the George first?—Well, I went to the George.

3492. Did any body go with you and Mr. Busst?—Yes; one.

3493. Who was that?—Mr. Roper.

3494. Mr. William Roper?—Yes.

3495. Whom

*Simeon Burns.*

25 March 1841.

3495. Whom did you see at the George; do you know Mr. Barnet?—Yes.  
 3496. Did you see Mr. Barnet there?—No, not as I know of; I do not know as I did; I cannot remember seeing Mr. Barnet.

3497. Did Mr. Busst take you to Mr. Barnet?—Well, I met with Mr. Barnet in my journey.

3498. That is no answer to my question; will you recollect that you are bound to give answers to the questions put to you; did Mr. Busst take you to Mr. Barnet?—Yes; I went to Mr. Barnet.

3499. Did Mr. Busst take you to him?—Yes, he did.

3500. Where was Mr. Barnet when Mr. Busst took you to him?—He was at the George.

3501. Why did you say just now you did not remember seeing Mr. Barnet at the George?—I understood you, at the New Inn.

3502. Mr. Busst took you to Mr. Barnet at the George?—Yes.

3503. Did you speak to Mr. Barnet?—No.

3504. Or he to you?—No, not as I know of.

3505. Did Mr. Busst speak to him in your presence?—Yes; there was a word or two passed, I believe.

3506. What was that word or two which passed?—Well, I hardly know justly what it was.

3507. Yes, you do; what did Mr. Barnet say about you?—Well, he wanted a carriage, a car, I believe, to take me to the inn; that was all.

3508. To what inn?—To the New Inn, I suppose.

3509. Was the inn mentioned?—No; I did not know what inn it was till I got there.

3510. Did he desire Mr. Busst to get a car or carriage to take you to the inn?—Yes, I believe he did.

3511. Did you hear him say that?—Yes.

3512. You heard him tell Mr. Busst to get you a car or a carriage to take you to the inn?—Yes.

3513. Did Mr. Busst do so?—No, he did not.

3514. Did you go to the New Inn?—Yes.

3515. Who went with you?—Mr. Busst.

3516. Did you go on foot?—Yes.

3517. When you got to the New Inn, what room did Mr. Busst take you to?—Well, I cannot justly say; it was a long room.

3518. Did you find many people in that room; was it up-stairs?—Yes, it was.

3519. Were there many people in that room?—Yes, there were; I do not know justly how many.

3520. Were there a good many?—Yes.

3521. What number, 50 or 60?—I cannot justly say; there might have been 40 or 50; I cannot justly say to 10.

3522. Might there be more than 40 or 50?—There might; I do not know.

3523. What were they doing?—They were talking to each other.

3524. Talking is dry work sometimes, at least we find it so; was there any thing to moisten their palates?—A drop, I believe.

3525. Have you any doubt about that?—No.

3526. Were they sitting round the table?—Yes.

3527. Were there brandy and other liquors on the table, and wine?—Well, I saw liquors of some sort on the table.

3528. Did you only see them?—No; I tasted them, which was the best.

3529. Which were you lucky enough to fall on, brandy?—I tasted a drop of wine; I do not know that I tasted brandy.

3530. Was there wine of different sorts?—I cannot say that.

3531. Was there plenty of it?—Well, I saw two or three bottles of wine there.

3532. Were there many bottles of spirits; was there plenty?—Well, I do not know.

3533. Was there as much as the people liked to take?—I expect there was; I did not count the bottles.

3534. Was there a long table set out?—Yes, a longish table.

3535. And bottles of wine and spirits put on that table?—Yes.

*Simeon Burns.*

25 March 1841.

3536. Every body helped themselves as they pleased?—I saw a young woman there to wait.

3537. Did she help them to what they pleased?—Yes, I believe she did.

3538. Was there a chairman?—Yes.

3539. Who was the chairman?—Mr. Dixon.

3540. Those persons who were helping themselves to this wine and spirits, were they voters, any of them?—Yes, I believe they was.

3541. They were pretty nearly all voters, were they?—Well, I saw some there that were not voters, but they were chiefly.

3542. Did you see Mr. Thomas Franklin there?—Yes, I believe I did.

3543. Did you see Mr. Edward Swift there?—Yes, I did.

3544. Did you see Mr. Box there?—Yes, I did.

3545. Did you see Mr. Samuel Francis there?—Yes.

3546. Mr. William Gould?—Yes.

3547. Did you see John Thomas there?—Yes; I saw one of the Thomases.

3548. Did you see Henry Busst?—Yes.

3549. Was Mr. Busst making himself busy there, talking to the voters?—I did not see him busy; I saw him walking down the room, that was all.

3550. Did you stay at the New Inn that night?—No.

3551. At what time did you go away?—I cannot justly say, I did not look at the clock.

3552. I dare say you can tell me whereabouts?—No, I cannot.

3553. Was the liquor so potent?—Well, I was not very drunk; but I did not look at the clock.

3554. You found your way home?—O yes, very nicely.

3555. And slept very soundly?—Yes.

3556. When you got up in the morning, did any body tell you to go any where?—There was one came for me.

3557. Who was that kind individual?—Mr. Busst.

3558. The father or son, or both of them?—The father; but I believe both were there.

3559. Where did they take you to?—I went to Mrs. Ell's.

3560. That is the Stork, I believe?—Yes.

3561. I suppose you did not go there for nothing?—No; I had a warm there.

3562. In the inside as well as the outside, I suppose?—Well, I believe I did.

3563. Was there breakfast provided there?—A drop of coffee.

3564. I suppose when you took a drop of coffee you took something a little more substantial with it?—No, I do not know as I did.

3565. Did not you eat any thing, or was your stomach still queerish from the overnight?—I had something to eat.

3566. What did they give you to eat?—I had a little ham.

3567. An egg with it?—No.

3568. In short, was not there breakfast provided there that morning?—There was, I believe.

3569. Have you any doubt about it?—No.

3570. Were there other persons besides yourself drinking coffee and eating ham?—There was.

3571. How many?—Perhaps 20 or 30.

3572. Perhaps 40?—I did not count them.

3573. Was that room quite full?—No; there was room for more.

3574. Was it a large room?—Not very large.

3575. Was there another room laid out?—There was another room; I saw some body in it when it was open.

3576. Did you see whether they were eating and drinking too?—No, I did not.

3577. Were the persons who ate and drank in the room where you were voters?—Yes, I believe they were.

3578. Was Mr. Samuel Francis one of them?—Yes, I believe he was.

3579. Edward Newy, was he one?—Yes.

3580. Henry Powell?—Yes.

3581. Thomas Harrison?—I believe Harrison was there.

3582. William London?—Yes.

3583. Joseph Marlow?—Yes.

3584. William

*Simeon Burns.*

25 March 1841.

3584. William Munro?—I saw him there some part of the day.

3585. Was he at the New Inn the evening before?—I did not see him.

3586. I suppose I need hardly ask you whether at the New Inn the previous evening, or at the Stork the next morning, you paid any thing?—No, I did not want to pay.

3587. You were not asked to pay?—No, I was not.

Cross-examined by Mr. Serjeant *Wrangham*.

3588. At what time was it you went to Mr. Barnet, at the George?—I cannot tell justly.

3589. Can you tell me whether it was the morning or the evening?—At night.

3590. Was it after dark?—Yes, I believe it was.

3591. You went with Mr. Busst to Mr. Barnet?—Yes, I did.

3592. Was Mr. Samuel Francis with you?—Yes.

3593. He was there too?—Yes.

3594. You say that Mr. Barnet or Mr. Busst, saying something to him, desired him to get a car?—Yes, I believe he did.

3595. What was it Mr. Busst said to Mr. Barnet?—He said he would go himself.

3596. What did Mr. Busst say first which occasioned his saying that?—I did not hear that; I was not taking notice.

3597. Did Mr. Busst tell you where he was going; did you know he was taking you to Mr. Barnet?—No.

3598. How far is the New Inn from the George?—Perhaps 100 yards.

3599. It is just the opposite side of the square, is not it?—Yes.

3600. Do you mean to say that Mr. Barnet desired a car to be got to take you 100 yards?—I cannot tell where he wanted it to take me.

3601. Try and refresh your recollection as to what passed on this occasion; do you mean to state that Mr. Barnet did not tell Mr. Busst to get a car and take you home on account of the danger you ran?—I cannot tell, I only heard him say that he was to get a car; he did not state where I was to go.

3602. Which Mr. Busst did not get?—No; he said he could go with me himself.

3603. And you went to the New Inn with him?—Yes.

3604. I think you told my learned friend you could not tell exactly when you left the New Inn, at what hour in the evening?—No, I cannot tell at what time.

3605. But you did leave it in the course of the evening?—Yes.

3606. Did you leave it alone, or did any body else go with you?—Mr. Busst went with me.

3607. Was that when you were going home?—Yes.

3608. Did any body else go with you?—Mr. Francis, I believe.

3609. Before you left the New Inn, do you remember any riot or disturbance outside that inn?—Yes, I do.

3610. Will you tell the Committee what it was which you saw and heard on that occasion?—I did not go down to them.

3611. What was it you heard?—I heard a noise, and I went down into the house and saw some of them bleeding.

3612. Was it like a noise of battering at the inn?—Yes.

3613. Was it a loud noise you heard?—Yes, I heard some of them screaming out.

3614. You went down into the inn, and saw people bleeding?—Yes.

3615. Were there a considerable number of persons so bleeding?—Yes.

3616. Can you tell me, at all, the number; I do not suppose you counted them?—Mr. Kilner, for one.

3617. Is Mr. Kilner the landlord of the inn?—Yes.

3618. Where was he bleeding from?—The head.

3619. Did he appear to you to be severely wounded?—Yes, it was a bad cut.

3620. After this, did you, when matters were a little quieter, leave the house?—Yes.

3621. You went home?—Yes.

3622. I think you told us you got home nicely?—Yes, I did.

3623. Was that the case with the rest of your companions, Mr. Francis, for instance, who went with you?—I believe they would not let them go home.

*Simeon Burns.*

25 March 1841.

3624. Mr. *Cockburn*.] Did you see that?—Yes, I did.
3625. Mr. Serjeant *Wrangham*.] Do not you say you “believe,” I suppose it is the Walsall for “know ;” tell us what you saw take place when you went down with Francis to your own house ; what did you see take place with respect to Francis?—I went with Mr. Francis and Mr. Busst into Rushall-street ; there was a crowd followed us ; we got on to Mr. Busst’s step, and the crowd came up to us before we could get into the house ; they clipped up Francis, I think, and carried him off. Mr. Busst, I believe, went with him some way ; I do not know whether they took him, or he went to get Francis back.
3626. Can you tell me whether this crowd which followed you, and clipped Francis up and carried him off, were your friends or your enemies?—I think they were our enemies.
3627. Have you any doubt about it?—No, I have not.
3628. Did that appear to be an affectionate hug they gave Francis?—O, no.
3629. Just describe to the Committee how it was given him?—Well, I believe they surrounded him.
3630. Did they take him up in their arms and carry him off bodily?—I do not know whether they did or not, but I saw them take him.
3631. Was it with great violence they carried him off?—Yes, it was.
3632. He struggling to escape from them?—Yes.
3633. Did you see where he went to?—No ; I went home.
3634. What pace did you go home at, after seeing this happen to your companion?—Not very slow.
3635. Did not you go as quickly as you could lay your legs to the ground?—Yes.
3636. So you escaped capture?—Yes, I escaped.
3637. How happened it they did not take you as well as Francis?—They were so busy with him, I believe, I got off the while.
3638. Did you go to hide yourself when they were taking him?—Yes.
3639. How did you manage it?—Pretty well.
3640. What means did you take?—The inside of the door-case.
3641. You rolled yourself up inside the door-case, and made yourself as small as it was possible, till they were gone round the turning?—Yes.
3642. Was that because you were afraid of being carried off too?—Yes.
3643. Had there been a great deal of violence going on in the course of this evening?—Yes, I believe there was.
3644. You know there was, do not you?—I saw them rolling about.
3645. Did you see the people knocked down and rolling about?—Yes.
3646. Were those individuals you saw knocked down and rolling about respectable persons in the interest of Mr. Gladstone?—Yes, they were.
3647. That was all through the evening?—Yes.
3648. You went to the New Inn?—Yes.

Re-examined by Mr. *Cockburn*.

3649. Do I understand you, the violence you heard took place before you went home?—Yes.
3650. When you were in the New Inn you heard some noise outside?—Yes.
3651. You looked out and saw some persons bleeding?—I came down from the long room and saw them.
3652. Was that in the middle of the night?—I cannot tell ; it was after dark.
3653. It was after dark when you went there, probably ; how long had you been in the New Inn before you heard the disturbance?—I cannot tell.
3654. You can tell me about?—No, I cannot.
3655. Was it more than one hour?—I cannot tell you.
3656. Do you mean to swear you cannot tell whether it was more than one hour?—I cannot tell.
3657. Have you any doubt you had been there more than one hour?—Well, I cannot tell how long I was there.
3658. Have you any doubt you had been there more than two or three hours?—No, I cannot doubt any thing of the fact.
3659. Were there many voters there at that time?—Yes.

3660. Was

*Simeon Burns.*

25 March 1841.

3660. Was the room full?—No, it was not full.
3661. Did you see any voters taken off to be put to bed before that time?—No.
3662. Did you see any of them drunk?—Yes, I saw some of them drunk.
3663. There were a good many of them drunk, were not there?—Yes; I saw three or four, or four or five drunk; I did not count them.
3664. Were they lying under the table?—No.
3665. They were not quite so drunk as that?—No.
3666. Did you see any of them taken off to be put to bed?—No.
3667. What time in the evening did you see persons knocked down and rolling about?—It was some time in the night.
3668. You had seen nothing of that kind previously?—No.
3669. When you went to the New Inn, the place was quite quiet?—Yes.
3670. Were those friends of Mr. Gladstone's whom you saw knocked down and rolling about after you went out of the inn?—Yes.
3671. Are you quite sure that they were knocked down, or was it that they were so drunk they could not stand?—No; they were quite sober, those I saw.
3672. Who were they?—Mr. Kilner and his servant-man.
3673. Mr. Kilner, the landlord?—Yes.
3674. Whom else besides Mr. Kilner did you see knocked down?—There were two or three men I saw bleeding, but I cannot tell who they were.
3675. Did they fight with the people outside?—I cannot tell.
3676. Did you not look out when you came down?—It was all done when I came down.
3677. Did you see any outside?—I saw one on the steps; I saw him wrestling, or struck, or something; I saw him down and the other with him.
3678. Whether he knocked the other down, or the other knocked him down, you cannot tell?—No.
3679. That was the only one you saw outside knocked down?—Yes.
3680. How came you to tell this gentleman that all the evening you had seen persons knocked down and rolling about?—Not all the evening; I saw some of them down.
3681. Just now you told me only one?—I saw one down; I saw others wrestling, but I did not see any of the others down.
3682. Mr. Serjeant *Wrangham*.] Was it at the time you saw those gentlemen wrestling, and some of them down, when the attack was made on the inn?—Yes.
3683. Mr. *Cockburn*.] Do you know who that person was you saw down?—No, I do not.
3684. *Committee*.] Are you a voter for the borough?—Yes.
3685. Did you vote at this election?—Yes.
3686. For whom did you vote?—For Mr. Gladstone.
3687. (*At the suggestion of Mr. Serjeant Wrangham*.) When you saw persons bleeding, was it when the attack was made on the house?—Yes; I saw one bleeding and I saw one down.
3688. What you saw of that kind was confined to the time of the attack on the inn, was it?—Yes.
3689. You did not see it at other times?—No.
3690. *Committee*.] How far is your house from the George?—About a quarter of a mile.
3691. Do you know Joseph Marlow?—Yes.
3692. Did you see him at the New Inn?—Yes.
3693. What was he doing?—I saw him drinking.
3694. Mr. *Cockburn*.] Had the people at the New Inn, who were drinking, any bludgeons?—No, I did not see any.
3695. Did you see any in the room?—No, I did not.
3696. *Committee*.] Did you see Marlow drunk?—Yes.
3697. Did he remain there when he was drunk, or what became of him?—I left him there; I cannot tell.

[The Witness withdrew.]



*Samuel Tunks* was called in ; and, having been sworn, was Examined by  
Mr. Cockburn, as follows :

*Samuel Tunks.*

25 March 1841.

3698. ARE you a bridle-cutter, in the town of Walsall ?—Yes.
3699. You keep a public-house or beer-shop, do you not ?—Yes.
3700. What is the sign of it ?—The Rising Sun.
3701. Were you at the New Inn on the nomination-day ?—No.
3702. On the nomination-night ?—Yes ; the night before the poll.
3703. At what time ?—Between five and six o'clock.
3704. How long did you stay there ?—Till about 12 o'clock at night.
3705. From five or six to twelve ?—Yes.
3706. In which room were you ?—I was in two rooms.
3707. Were you in the long room up-stairs ?—Yes.
3708. What was the other room ?—The commercial-room they called it.
3709. Was that up-stairs or down-stairs ?—Up-stairs.
3710. What was doing in the long room ?—Nothing particular, no more than tippling-drinking.
3711. You, as a publican, do not call that particular ; was there plenty of it ?—Plenty.
3712. What sort of drinking, not water, I suppose ?—Wine and spirits.
3713. Did that go on during the whole of the time you have spoken of, from five or six to twelve ?—Yes.
3714. Was the room pretty full ?—About half full, I should think.
3715. About how many persons do you suppose there were in the long room ?—I cannot tell exactly ; 60 I should think, as near as I can guess.
3716. Did the same 60 remain all the evening, or did they vary ?—They shifted about.
3717. Was the same thing going on in the second room you mentioned, the commercial-room ?—No ; there was not many there.
3718. Those that were, did they have wine and liquors in the same way ?—Yes.
3719. How many do you suppose there were in the commercial-room ?—About 20, I think.
3720. Were the persons in the long room voters ?—Yes ; chiefly voters, what I knew.
3721. Were those in the commercial-room chiefly voters, too ?—Yes.
3722. Did every body help themselves as they liked ?—Yes.
3723. As they exhausted the bottles, more was brought ?—Yes.
3724. Did you see any body pay ?—I saw none pay.
3725. Did you help yourself to refreshment ?—Yes.
3726. You were not called upon to pay ?—No.
3727. Can you tell me the name of any voter you saw there ?—Yes.
3728. Was Mr. Henry Busst there ?—Yes.
3729. Mr. Gould ?—Yes ; and Mr. Wood.
3730. Mr. Stephen Yates ?—Yes, he was there.
3731. Mr. Franklin ?—Yes.
3732. Mr. Samuel Emery ?—Yes.
3733. And another Mr. Franklin, Mr. Thomas Franklin ?—Yes.
3734. Who took you to the New Inn originally ?—Mr. Henry Brace asked me to go there ; but instead of going to the New Inn, I was going to the George ; he was going there and I followed him, and went with him in his company ; then from the George I came to the New Inn.
3735. Did you go to the committee-room at the George ?—Yes.
3736. Whom did you see at the committee-room ?—I saw Mr. William Franklin there.
3737. Did any body take you from the George to the New Inn ?—John Stone I went with.
3738. What is Mr. John Stone ?—He is a bridle-maker.
3739. Was he one of the gentlemen who acted on the committee ?—No, I do not think he was.
3740. Who told him to take you to the New Inn ?—I cannot tell that.
3741. Besides those gentlemen you have mentioned, were the two Taylors there ?—Yes, they were both there.
3742. Richard Meeson, was he there ?—Yes.

3743. Who

Samuel Tunks.

25 March 1841.

3743. Who was in the chair, Mr. Dixon?—Mr. Dixon was chairman there, I believe.

3744. Was Mr. Franklin there?—Yes.

3745. He is the gentleman you saw at the committee-room?—Yes.

3746. Did he attend on the committee?—I do not know.

3747. You saw him in the committee-room?—Yes.

3748. What was he doing, sitting at the table?—No; he was sitting away from the rest of them.

3749. You say you keep a house of entertainment yourself; did you provide a feed?—Yes, I had a supper there.

3750. What night was that, the nomination-night?—No; I think it was about a fortnight before the election took place; whether a fortnight or a week, I will not be certain.

3751. Had you a breakfast on the election morning?—Yes.

3752. How many did you provide for?—About five-or-six-and-twenty.

3753. Were they all Mr. Gladstone's friends?—Yes, all of them.

3754. Were you directed as to the number of voters you should entertain?—No.

3755. Were you directed to provide for so many?—We were directed to get a breakfast; the number was not mentioned.

3756. Who directed you to do that?—Mr. Henry Brace.

3757. Did you see any body else on the subject but Mr. Henry Brace?—He was the principal.

3758. Whom else did you see?—I do not know exactly who else I saw.

3759. Did you see Mr. Franklin?—Mr. Emery, I think, was one, if I recollect right.

3760. You have not given in your bill yet, I suppose?—No.

3761. What does it amount to?—About 28*l.* altogether, the supper and the breakfast.

3762. Have you seen Mr. Barnet on the subject of that bill?—I did not see him.

3763. Have you ever spoken to him upon the subject?—No.

3764. Did you see him at all about it before the breakfast was given?—No.

3765. As I understand, the only person you have seen was Mr. Brace and Mr. Emery?—Yes.

Mr. Serjeant *Wrangham* submitted that the time was come when the Counsel for the Petitioner ought to be restricted from giving other evidence, unless they could show a connexion with the Sitting Member or his agents.

Mr. *Cockburn* submitted that he had already connected the proceedings at the New Inn with Mr. Barnet, who sent a voter there.

3766. *Committee.*] Did you say you had sent your bill in?—No.

3767. Do you keep no books in which you made that entry?—No, none at all.

3768. Mr. *Cockburn.*] You say you are a voter; for whom did you vote?—Mr. Gladstone.

3769. *Committee.*] Did you put the account on paper?—No.

3770. Have you any account on paper charging any body?—No.

3771. Whom do you mean to send it to?—I do not know yet.

3772. Do you look to Mr. Brace to procure you payment, as he was the person who ordered the supper and breakfast?—Why, he told me he would be responsible for the breakfast.

3773. Did Mr. Emery say that too?—No, Mr. Emery did not say any thing about it.

3774. You consider that you have a right to look to Mr. Brace for the payment of your bill, he having told you he was responsible?—Yes.

3775. Who is Mr. Brace; what is he?—A saddlers' ironmonger.

3776. You said you took no account of this in your books; do you keep no books on any occasion?—No, not on any occasion.

3777. Do you keep no books; supposing a man comes and runs up a bill, have not you a book in which you make an entry of it?—We do not make a regular practice of booking.

3778. On this occasion you thought it better not to put it in the book, perhaps?—Well, I thought so.

3779. Why did you think so?—I thought I could remember without booking it.

Samuel Tunks.

25 March 1841.

3780. You do not trust your memory on other occasions, do you?—No.  
 3781. Are you not in the habit of keeping books?—No.  
 3782. Do you keep no books at all?—Not to book liquor down in.  
 3783. You say you saw nobody on the subject of this breakfast but Mr. Brace and Mr. Emery?—Yes.  
 3784. Those are the only persons with whom you had any communication respecting this breakfast?—Yes.  
 3785. You look to Mr. Brace for reimbursement?—He said he would be responsible.  
 3786. Do you understand that he is responsible?—Yes.

[The Witness withdrew.]

Mr. *Henry Busst* was called in ; and, having been sworn, was Examined by Mr. *Cockburn*, as follows :

Mr. Henry Busst.

3787. YOU are the son of Mr. Joseph Busst, of Walsall?—I am.  
 3788. Your father took an active part in the last election, I believe?—A little.  
 3789. Did you also take a little part?—Very little indeed.  
 3790. Yours was less than your father's?—Yes.  
 3791. Your father is a voter?—No, he had not a vote ; I do not think he had a vote, nor did he vote.  
 3792. He has been a voter?—I do not think he was ; he was registered wrong ; I do not know whether he claimed his vote.  
 3793. He did not vote in consequence of that?—No, he did not.  
 3794. Did he canvass with Mr. Gladstone?—I do not know, I am sure.  
 3795. Did you?—No.  
 3796. Were you never out with him on any occasion?—No.  
 3797. Did you see Mr. Gladstone out canvassing?—I have seen him in the street, when I have been going along.  
 3798. Did you never see your father with him?—No.  
 3799. Whom have you seen canvassing with him?—I never noticed that.  
 3800. Do you mean to say that you do not know of whom Mr. Gladstone's canvassing party consisted?—I did know them ; I have seen them out ; I have seen a party of them in the street together.  
 3801. Whom have you seen with Mr. Gladstone in the street?—Several ; I cannot particularize the names, to be exact.  
 3802. What do you mean by being exact?—I cannot say the names of them all.  
 3803. You knew some of them?—Yes.  
 3804. Then tell us those you knew?—Mr. Wood was one.  
 3805. Give us another?—Mr. Windle I have seen.  
 3806. Who was the next?—I cannot speak to them ; I took no notice of them, not particularly.  
 3807. Did you see Mr. Jesson with him?—Well, I cannot say I did.  
 3808. Mr. Perkes?—I have seen Mr. Perkes.  
 3809. Have you seen Mr. Perkes on all occasions when they have been out canvassing?—I never saw them more than twice altogether.  
 3810. Did you go to the George?—I was at the George upon the day of the election.  
 3811. Was that the only day you were there?—Yes, the only time I was there during the election ; I have been at the George many times.  
 3812. Were you at the George at all during the time that Mr. Gladstone was canvassing?—No, I was not.  
 3813. Was Mr. Charles Brookes one of them?—I never saw him there, I know.  
 3814. Mr. Fisher?—I have seen him there.  
 3815. The two Jameses?—No.  
 3816. Edward Swift?—I think I have seen him.  
 3817. Mr. Day?—No.  
 3818. Mr. Forster?—No.  
 3819. Were you at the New Inn on the evening of the nomination?—I was.  
 3820. At what time did you go?—I went about three in the afternoon.  
 3821. How

3821. How long did you stay?—I stayed till about four the next morning.  
 3822. Who directed you to go there?—I directed myself there.  
 3823. Did you know there was any thing going on at the New Inn?—No.  
 3824. Are you in the habit of going to the New Inn, and staying till four in the morning?—No, I very seldom go to a public-house.  
 3825. How came you to go?—I went the same as other people, to have something to drink.  
 3826. Whom did you hear from that there was any thing to drink there?—It is an inn; of course there is always something to drink at an inn.  
 3827. Did you not by any chance happen to know there was drink to be had that night without paying for it?—I did not know that.  
 3828. Did you pay for what you had?—No, I did not.  
 3829. Did you go for the purpose of having drink and paying nothing for it?—No.  
 3830. Did you pay for it?—No; a friend asked me to have something to drink, and I had something with him; I do not know whether he paid for it.  
 3831. Did you continue drinking till four in the morning?—No; I was walking about the house; I had very little to drink.  
 3832. What rooms did you go into?—There was one a long room, the club-room, a front room.  
 3833. Was there drinking going on in the front room too?—Yes, they were drinking.  
 3834. Were there other persons in that room?—Five or six, when I first saw them.

Mr. Henry Busst.

25 March 1841.

Mr. Serjeant *Wrangham* submitted that there was no evidence to connect the Sitting Member with what took place at the New Inn, and that the evidence ought not to be permitted to proceed without some evidence on that point.

[The Witness was directed to withdraw.]

The Counsel were informed, that the Committee do not wish to preclude them from adducing any evidence which they consider important to their case, or to prescribe the course they should pursue; but that they are of opinion that agency ought, in the first instance, to be proved, except where the Counsel are prepared to state that agency cannot be proved without going into the general case of treating, and that the Committee think it desirable that the Counsel for the Petitioner should proceed at as early a stage as they can to the proof of the agency.

Mr. *Cockburn* submitted that he had already given evidence connecting the Sitting Member with the proceedings at the New Inn, Mr. *Barnet* having directed Mr. *Busst* to procure a car to take a voter to the inn, which must be understood to refer to the New Inn, to which he was taken by Mr. *Busst*.

Mr. Serjeant *Wrangham* was heard in reply.

*Simeon Burns* was again called in; and further Examined, as follows:

*Simeon Burns.*

3835. *Chairman.*] WHAT were the words used in your hearing by Mr. *Barnet* when he spoke to Mr. *Busst*?—Mr. *Barnet* told Mr. *Busst* he had better get a car to take we, because he thought there would be something the matter, that we should be abused.

3836. Are those the only words which Mr. *Barnet* used?—Yes, I believe they are.

3837. Do you recollect what were the words used by Mr. *Busst* in speaking to Mr. *Barnet*?—Well, I believe—I am sure, however, Mr. *Barnet* asked him where he was going; he said he was going to the New Inn; he said we had better have a car; Mr. *Busst* said he would walk with me himself, and I said I would walk, I would not go in a car.

3838. Mr. Serjeant *Wrangham.*] Where have you been since you left the room?—I have been in King-street; I was taken ill.

3839. Is that the place where you lodge?—Yes.

3840. Is that the place provided for you by the agent?—Yes.

[The Witness withdrew.]

25 March 1841.

Mr. *Cockburn* submitted that upon the evidence Mr. Barnet was sufficiently connected with the New Inn to entitle the Counsel for the Petitioner to go into evidence of the proceedings at the New Inn.

Mr. Serjeant *Wrangham* submitted that upon the evidence, as it now stood, there was no evidence connecting Mr. Barnet with the New Inn, but only a suggestion, after having heard that a voter was going to the New Inn, that he had better go in a car, lest he should receive injury.

The Committee-room was cleared.

After some time the Counsel and parties were again called in and informed, that the Committee had determined, that it does not appear to the Committee that sufficient evidence has been produced to connect Mr. Barnet with any proceedings at the New Inn.

Mr. *Henry Busst* was again called in ; and Examined by Mr. *Cockburn*, as follows :

Mr. *Henry Busst*.

3841. YOU went to the New Inn, you say, at three or four o'clock ?—On the afternoon of Monday.

3842. Did you go alone, or with any body ?—I went with Mr. Staunton.

3843. Staunton, the butcher ?—Yes.

3844. Did you see a person of the name of Davis there ?—About six o'clock in the evening I did.

3845. He came there at that time ?—Yes ; I saw him there then ; I might have seen him there before, but I did not notice him.

3846. Did he remain all the evening and all the night ?—I believe he did.

3847. You say you went away about three or four o'clock the next morning ?—Yes.

3848. You were going about the house all night ?—Yes ; one place or another.

3849. Did any voters sleep at that house that night ?—Not all the night.

3850. Did any body go to bed there ?—Yes ; one Marlow.

3851. Do you mean to say that he was the only one ?—He was the only one I saw.

3852. Did you see him in bed ?—I did.

3853. Did you see any other persons go away for the purpose of going to bed ?—No.

3854. Who is the landlord of the New Inn ?—Mr. Kilner.

3855. Had you any conversation with Mr. Barnet about the New Inn ?—No, not a word.

3856. Neither before nor since ?—Neither before nor since.

3857. Did you tell him of the attack made on the New Inn in the night ?—No.

3858. You never had a conversation with him at all on the subject ?—No.

3859. At what time was the violence which took place ?—Do you mean the first or the second ?

3860. There were two attacks, were there ?—Yes ; the first was about 12 o'clock, as nearly as I can tell.

3861. At what time was the second ?—I think about one or two o'clock.

3862. What made you stay till three or four ?—I do not know ; there was so much company there ; one, I suppose, enticed another.

3863. There was a good deal of company remaining there ?—Yes.

3864. Were there a good many remaining till three or four ?—I should think 20 or 30.

3865. There might be 40 or 50, perhaps ?—No, not so many as that.

3866. Do you speak of one or two rooms ?—I speak of both rooms.

3867. There were more than two rooms used for voters ?—Not that I saw.

3868. Were you one of those that took Marlow up to bed ?—Yes.

3869. Was he very drunk ?—Very drunk.

3870. Did he get sober again ?—He was not quite sober ; he came out again and got drunk again.

3871. Did you put him to bed again ?—No, only once ; I took him home to his wife, and she put him to bed again.

3872. Where were you on the morning of the polling-day ?—I was at the Stork, about an hour.

3873. Did

Mr. Henry Busst.

25 March 1841.

3873. Did you breakfast at the Stork?—Yes.
3874. Were there a good many voters breakfasting there?—I saw only eight or nine.
3875. At what time were you there?—I was there about eight o'clock.
3876. You did not pay for your breakfast, I suppose?—No, I did not.
3877. Did you give any orders to any body to entertain any voters yourself to any publican or beer-house keeper?—No, I did not.
3878. To what other houses did you go on the day of nomination, besides the New Inn?—That was the only house I went to.
3879. To what other houses, besides the Stork, did you go on the day of the election?—After I left the Stork I went to the George Hotel; I was in the yard, and I was in the house a short time.
3880. To what part of the house did you go?—I went up to the assembly-room.
3881. Were there refreshments in the assembly-room?—Yes.
3882. How many persons were there in the assembly-room at the time?—Perhaps 200; the room was full.
3883. Was there breakfast set out?—No, only meat on the table and bread.
3884. I suppose wine?—No, I saw no drink at all on the table.
3885. Were the 200 there all partaking of refreshments?—No, I did not see more than a dozen taking refreshments, and, from what I saw, they were all non-electors that were taking refreshments.
3886. The electors all abstained, they did not take any thing?—No, not as I saw.
3887. You say that Mr. Davis went to the New Inn at six o'clock?—I saw him there at that time.
3888. Was he there at one or two in the afternoon?—I cannot say, I did not see him till six.
3889. Did he stay there all night?—He staid all the time I was there; I cannot say after that time.
3890. Was Mr. Davis a Walsall man?—No, he was a stranger to me.
3891. Was he taking a part in the election?—No, nothing particular.
3892. Was his name Davis?—I heard them call him Davis.
3893. Do not you know that his name was Patch?—I heard a few days afterwards that his name was Patch.
3894. You have visited him in town, have not you?—I have not.
3895. Have you not seen him since you have been in London?—Yes.
3896. Do you know who brought him to Walsall?—No.
3897. Did you ever see Mr. Davis with Mr. Barnet?—No.
3898. Did you ever see Mr. Barnet at all during the election?—I met him in the street, that is all.
3899. Had you never any conversation with him?—No.
3900. Do you mean to say you never went to the assembly-room except on the day of election?—I did not.
3901. Nor ever communicated with Mr. Barnet during the whole of the election?—No.
3902. Did you receive any instructions from him?—No.
3903. Did you take any voters up to the poll?—Only one, that was Marlow.
3904. Where did you take him from?—From the Stork.
3905. He breakfasted there?—Yes.
3906. Did not you take up Simeon Burns in the morning?—No, my father did, I believe.
3907. Was your father in communication with Mr. Barnet, do you know?—Not that I am aware of.
3908. Were you ever in the George at all during the few days before the nomination?—No, not at all.

Cross-examined by Mr. Serjeant *Wrangham*.

3909. You say you went to the assembly-room on the morning of the election?—In the afternoon, perhaps about twelve o'clock in the day.
3910. There was some bread and meat on the table?—Yes.
3911. Some persons were partaking of it who you say were not electors?—Yes.
3912. Were they messengers or persons employed?—I cannot tell.
3913. You were not there till 12 o'clock, I think you say?—No.
3914. You have told my learned friend that the New Inn was twice attacked while you were there?—It was.

Mr. Henry Busst.

25 March 1841.

3915. Did you take a part in the defence of the house?—No.
3916. Did you see what passed?—I was on the outside the second time of the attack; I dare not go in.
3917. Can you tell what took place then?—Yes, I can, pretty well.
3918. Be good enough to tell the Committee the sort of way in which the enemy made their approaches to the fortress?—In the first place, they broke open the gates.
3919. Is there an archway, going into the yard?—Yes; then they attacked them at the doors; there are two folding-doors, going to the house.
3920. How did they break the gates open?—With great stakes and stones; they forced them open.
3921. Are the gates made with rails across?—No, large folding-doors.
3922. They broke through those?—Yes.
3923. Are they doors easily to be broken through, or strong, heavy doors?—They are very strong, heavy doors.
3924. You say they tried to break in the doors of the house?—Yes.
3925. Did you see whether they accomplished their purpose in breaking down the doors of the house?—No; but they broke the windows.
3926. What was the number of people about taking a part in this attack?—I should think 300 at least.
3927. Besides the breaking of the doors, was their demeanor in other respects conciliatory?—Yes; they wanted to get into the house.
3928. Was it very remarkably mild their conduct on the occasion?—No, it was very rough indeed.
3929. There was a great deal of shouting, and every thing of that kind?—Yes.
3930. You saw the engagement; did you see the wounded?—Yes, I did, before I left the place.
3931. Were there any killed?—No.
3932. After they left the place you went to assist the wounded?—Yes, I did, as well as I was able.
3933. Were they strewed upon the ground?—No, they were taken into the house.
3934. In what state did you see those persons who had been wounded in resisting the attack upon this house?—They were all bleeding terribly from one wound or another they had received; about the head was chiefly where they had received the wounds.
3935. Were there a considerable number of those you saw?—I should think about 14.
3936. That came under your own observation; that you saw yourself?—Yes.
3937. Can you tell me whether the town was in an excited state, a state of violence and alarm?—Yes, that it was.
3938. You probably apprehended not personal violence to yourself; but from what took place in the course of a few days before the election, you anticipated great violence on the part of the mob?—Yes, I did.
3939. And your anticipations were fully realized?—Yes.
3940. When this mob besieged this house, would it have been safe for any person to have gone out and attempted to make his way home?—O, dear, no; it would have been dangerous to any one.
3941. Do you know any thing of the voters in Mr. Gladstone's interest having been attacked, either in their houses or in the street, and carried off; did you see any thing of that kind?—No, not the voters.
3942. Have you seen any voters treated with great violence?—Yes, I have.
3943. When was that?—On the Tuesday afternoon, the day of the election.
3944. By the mob calling things by their proper names?—Yes.
3945. When was that you speak of?—It was about four o'clock in the afternoon; I was going with two friends from the George to the New Inn, they were all surrounded, and knocked down and beat with sticks; we were obliged to make our escape from them.
3946. The military were called in, I believe?—Yes.

Re-examined by Mr. Cockburn.

3947. Did you apprehend violence was about to be committed on the New Inn?—Yes.

3948. Was

Mr. Henry Busst.

25 March 1841.

3948. Was that the reason you went there?—No, it was not.
3949. Do you mean to say that when you went to the New Inn you expected that violence would be committed upon it?—I had no idea of it at that time.
3950. At what time were the gates of the New Inn locked that night?—I should think it was about 12 o'clock, but I cannot tell; it was a very long night indeed to me; I do not know how the time passed.
3951. What made it so long that night, was it drinking and carousing?—I do not know, indeed; I was never out all night before that.
3952. The time did not pass pleasantly to you?—It did not, indeed.
3953. Do you mean to say that the gates of the New Inn were not locked earlier than 12 o'clock?—No, I cannot tell.
3954. Do not you believe they were locked earlier in the evening?—No; I cannot tell indeed what the time was.
3955. Were you there the whole evening?—I was.
3956. Do you mean to say that they were not locked as early as nine o'clock?—I cannot say; I saw when I went into the yard that they were locked.
3957. Did not you go into the yard as early as nine o'clock?—I cannot say, because I do not recollect that I took any notice.
3958. When you did go into the yard, you found the gates were locked?—Yes.
3959. Do you mean to say you remained there three or four hours without going into the yard?—Yes, I did.
3960. Does the door of the house open into the yard?—Yes, it does.
3961. Is there another opening to the street?—Nothing but by that gate.
3962. At this time, when you saw the gates locked, do you mean to say there were less than 60 or 70 voters in that house?—There were less than that.
3963. Do you mean to swear there were less than that?—I do not know whether there might be any in other rooms, but there were not 60 in those two rooms, I am sure.
3964. Were the men you did see there that night rather doubtful men?—No, not particularly; there were two or three that I knew if they were caught hold of, the other party would take off.
3965. Was that the reason of taking them to the New Inn?—When I was at the New Inn they were there; I did not take them there, and do not know who did.
3966. You thought that they would be better at the New Inn than any where else?—They would have been better at home, I dare say.
3967. Can you give me the names of the 12 or 14 wounded?—Mr. Kilner was one, and his servant-man another.
3968. Where was Mr. Kilner?—He was first going out.
3969. In what part of the body was he wounded?—In the forehead.
3970. A deep wound?—It seemed to be a deep wound.
3971. Where was the servant-man wounded?—On the forehead.
3972. Whom else?—Mr. Hale, the builder.
3973. Where was he wounded?—On the arm and hand.
3974. Whom else?—Mr. Henry was wounded at the corner of his eye.
3975. Was that a deep wound?—It seemed to be a deep wound.
3976. Whom else?—A man of the name of Bibb.
3977. Where was he wounded?—He was wounded in the head.
3978. Did those persons in your party alone receive wounds, or did they inflict them too?—I cannot say that they did, but they might have done.
3979. I suppose they used their fists pretty freely?—Yes, I suppose they did; they tried to get into the house, and the others to keep them out.
3980. Had you any thing besides fist bludgeons?—I had a walking-stick.
3981. Had the others sticks?—I suppose some of them might have.
3982. Any person who did not use a pretty thick walking-stick might borrow a bludgeon?—I could not call them bludgeons; those were sticks I saw.
3983. Any pokers?—I did not see any; I could not see what they had in the house; I was outside.
3984. Mr. Serjeant *Wrangham*.] As to fists, my learned friend has asked you whether those wounds were inflicted with fists; did you see any weapons in their hands?—Yes, great hedge-stakes.
3985. Did the wound you saw on Mr. Kilner's forehead and others, appear to be more like those made with fists or with weapons?—They appeared to have been inflicted with sticks.

[The Witness withdrew.

Thomas



*Thomas Price* was called in ; and, having been sworn, was Examined by  
Mr. *Cockburn*, as follows :

*Thomas Price.*

25 March 1841.

3986. YOU are an elector of Walsall, I believe?—Yes.
3987. Do you keep an inn there ; a public-house?—Yes.
3988. What is the name of it?—The White Hart.
3989. Have you got your books here?—I have none.
3990. What ! no books?—No, I have got none at all.
3991. Is yours a public-house?—Yes.
3992. A licensed house?—Yes.
3993. Do you keep no book?—No, I keep no books.
3994. Did you never keep a book at all?—I keep no book except what we set down the coals in, when we draw coals.
3995. Do you draw beer as well as coals?—Yes.
3996. Do not you put that down?—No, only in chalk.
3997. Where do you chalk it up?—On the cellar-door, in the general way.
3998. Do you never copy it off on to a book?—No ; it is very seldom we copy any thing of that kind off ; when it is paid it is rubbed off.
3999. Sometimes it is a long chalk ; you may have had a long chalk at this election?—So we had ; that has not been copied off.
4000. What did you supply at the last election?—Some ale and liquor, and beef and bread.
4001. Did you supply a supper?—It was a supper or dinner, or whatever you please to call it.
4002. What time in the day was it?—About seven o'clock.
4003. In the fashionable circle that would be a dinner ; in other circles a supper?—Whatever you please to call it.
4004. For what number?—I suppose two or three hundred.
4005. That had a supper?—Yes, altogether, I suppose.
4006. In one room or another?—Yes, in every room in the house.
4007. At what time did they begin to collect?—About seven o'clock.
4008. Till what time did they stop?—Till about 11 o'clock.
4009. On what day was this?—On the Monday.
4010. Did you make out an account of it?—No.
4011. On what Monday was it?—On Monday, the 25th.
4012. The 25th of what month?—Of January.
4013. That was the Monday before the nomination?—Yes.
4014. Do you mean that you never made out any bill of this?—No.
4015. What is the amount of the chalk?—I have never reckoned it up properly ; I cannot say to a pound, I am sure.
4016. Never mind to a pound?—I cannot say exactly ; I never made out any bill.
4017. You have some idea of what is on the chalk?—I cannot indeed say what it is.
4018. Tell us about how much it is?—I cannot say ; I will not pretend to say what it is.
4019. Put it as low as you can?—I cannot say, I am sure.
4020. What is the outside of it?—I cannot tell, indeed ; I do not know the outside of it.
4021. Do you mean to say you cannot tell me within 5*l*.?—Not to say for certainty what I can say, speaking of it ; I cannot tell you the exact truth ; I am sworn to speak the truth ; if I am put on my oath, and I am put to my oath, I cannot tell you.
4022. Cannot you tell me within 5*l*.?—No, I do not know as I can.
4023. Will you swear that you cannot tell me within 5*l*.?—I will not say nothing about it.
4024. Can you tell me within 5*l*.?—I suppose I could tell you within 5*l*.
4025. Do so?—I should think it stood 20*l*.
4026. Do you think it stands 30*l*.?—No, not to the best of my recollection ; to the best of my knowledge, it does not.
4027. Did you supply any thing the next day?—No.
4028. Did you supply any thing any other day?—No.
4029. Who ordered this to be supplied?—Mr. Edward Swift ordered it, and Mr. Maze ; Thomas Maze, I think his name is.
4030. Have you not delivered your bill to Mr. Swift?—No, I have not.
4031. Where

*Thomas Price.*

25 March 1841.

4031. Where have you been staying since you have been in town?—I have been staying at the bush.

4032. That is where Mr. Gladstone's witnesses have been staying?—Yes, the biggest part of them.

4033. You were summoned here on the part of the petitioner; were you not against Mr. Gladstone?—I do not know whom I am summoned against, or what they want me for.

4034. Did you refuse to go to the lodgings prepared for you?—Yes, and all the rest I was with.

4035. Do you mean to say, on your oath, that Mr. Barnet did not order what was supplied at your house?—Yes, I will take my oath of that.

4036. Have you never said that Mr. Barnet ordered that supper?—No.

4037. Will you swear that?—No; Mr. Barnet never ordered me nothing.

4038. Did not you say so?—No, I did not.

4039. Do you mean to say you did not tell this gentleman (Mr. Coppock) so?—No, Mr. Barnet never gave me an order.

4040. You never told him that Mr. Barnet had ordered the supper?—No, I never did.

4041. At your own house, in Walsall?—No, I never did; I am certain I never did.

4042. Do you mean to say you did not tell that gentleman so in the presence of your wife?—No, Mr. Barnet was never at my house.

4043. Did not you tell that gentleman that Mr. Barnett ordered that supper?—No, never.

4044. Nor your wife, in your presence?—No; I deny that my wife was present.

4045. Was Mr. Barnet at your house that night?—I cannot say; I never see'd him.

4046. You never saw him?—I was never out of the cellar all the time the party was there.

4047. Were you incessantly drawing beer?—Yes.

4048. You had a good evening's work of it?—Yes.

4049. Do you mean to say you were never up-stairs in the room where the company were?—I mean to say I was never in the parlour that night, not in the parlour where the chief company were.

4050. Were you in the bar?—I was in the cellar, I tell you again.

4051. Do you mean that you never left the cellar?—I was in the cellar from the time the company came till they were chiefly gone.

4052. Did you see Mr. Barnet after that, during the election?—Not to the best of my recollection, I did not.

4053. Try to recollect?—I do not know as I did.

4054. Have you seen him lately?—I can see him now.

4055. Have you spoken to him lately?—I do not know that I have spoken to him to-day.

4056. Did you speak to him yesterday?—Yes.

4057. Has he taken your examination down?—He has taken no examination of mine, not a word.

4058. Did he ask you about these matters; did he speak to you on the subject of your evidence?—No, not to the best of my recollection, as I know of.

4059. You must know whether he did or not?—I cannot recollect any thing at all about it.

4060. Has he spoken to you about your being a witness here?—I do not know as he has.

4061. You are aware you are upon your oath?—Yes.

4062. Upon your oath, has he not spoken to you about your evidence?—No.

4063. What has he spoken to you about?—Nothing at all, but to ask how we got on.

4064. Upon your oath, has he not spoken to you on the subject of your giving evidence here?—He asked me how I felt since I came here, and how I got on, and every thing of that kind; I do not know that he has taken me as a witness.

4065. Has he not spoken to you on the subject of your evidence to be given here before the Committee?—No, I am sure he has not, to the best of my recollection.

4066. Will you swear that he has not spoken to you on the subject of his having

*Thomas Price.*

25 March 1841.

having ordered or not having ordered that supper?—I swear he never ordered the supper.

4067. Has not he spoken to you on the subject of his having ordered that supper?—No, he has not.

4068. Did not you tell this gentleman that Mr. Barnet would pay you for that supper?—No, I never did, to the best of my knowledge.

4069. Will you swear you did not?—I cannot say as ever I saw that gentleman at the supper.

4070. I am satisfied you did not see that gentleman at the supper; but did not you tell that gentleman that Mr. Barnet would pay you for that supper?—No, I never told him no such thing, to the best of my recollection.

4071. Did not you tell him that you had delivered the bill to Mr. Swift, and Mr. Barnet would pay for it?—No, I did not; I have delivered no bill to Mr. Swift.

4072. Did you not tell him that you had delivered a bill to Mr. Swift, and Mr. Barnet would pay for it?—No, to the best of my recollection, I never did.

4073. Will you swear that; will you screw your courage to the sticking point to swear that?—I do not believe I ever did, I remember no such thing.

4074. Will you swear you did not tell that gentleman that you had delivered the bill to Mr. Swift, and Mr. Barnet would pay for it, for Mr. Barnet had ordered the supper?—I never said no such thing, and I will swear it; why could I? Mr. Barnet never spoke to me about it.

4075. Did you tell that gentleman afterwards that Mr. Barnet had been to you?—I do not know any thing of that gentleman.

4076. Did you tell that gentleman that Mr. Barnet had ordered the supper?—I cannot recollect.

4077. Did you go to Mr. Barnet when he came back to Walsall?—No; I know nothing of the sort.

4078. Did you see this gentleman, and tell him that Mr. Barnet had been to you?—I do not know whether that was the gentleman or no.

4079. Has any one told you that you were not to say that Mr. Barnet had ordered the supper?—No, not to the best of my recollection.

4080. Is it not a thing you would be likely to recollect if any one had?—I am quite sure he never ordered it.

4081. Upon your oath, have you not been told not to say that Mr. Barnet ordered it?—Upon my oath, I will swear that Mr. Barnet never ordered the supper.

4082. Have you not been told not to say that Mr. Barnet ordered it?—No, I never have been told.

4083. By nobody?—By no one.

4084. Have you been spoken to on the subject?—No, I have not.

4085. You can recollect that?—Yes.

4086. Have you been examined in London by Mr. Barnet?—I have spoken to Mr. Barnet in this place; that is all.

4087. About this supper?—No, not any thing about this supper.

4088. Have you been spoken to by any body on the subject of this supper since you came to London?—No, nothing of the sort.

Cross-examined by Mr. Serjeant *Wrangham*.

4089. You say there were 200 or 300 people in the house?—Yes, I suppose there were as many.

4090. Was Mr. Acland one of the party?—Mr. Acland came in when the house was full and drove them all out; he began with his nonsense and bother, and drove all my company out; I should have had a longer sport, and taken up the cellar full but for that.

4091. Did Mr. Smith's friends have a dinner at your house, or a supper?—Yes; a bit of a snack only; a bit of a snack a piece for them; theirs was a nothing.

4092. *Committee.*] Whom did you vote for?—I voted for Mr. Gladstone.

4093. Mr. Serjeant *Wrangham.*] Did Mr. Smith's friends ever offer to pay you for that entertainment?—No, I believe not; there is nobody in my house that can keep a book but my daughter, for I cannot read or write myself; I can tell the straight strokes, and what the chalk is put for.

4094. Mr. Smith was the other candidate, was not he?—Yes, I believe so.

4095. Have Mr. Smith's friends ever offered to pay you, on certain conditions? The people all paid for what they had.

4096. Has

4096. Has any one in Mr. Smith's interest ever offered to pay you for this supper of which you have been speaking, on certain conditions?—No.

*Thomas Price.*

[The Witness withdrew.

25 March 1841.

*William James* was called in ; and, having been sworn, was Examined by Mr. *Cockburn*, as follows :

*William James.*

4097. YOU are, I believe, a publican at Walsall?—I was.  
 4098. You have ceased to be so?—Yes.  
 4099. You kept the Turf, I believe?—Yes.  
 4100. Are you an elector, too?—Yes.  
 4101. You voted, I suppose, at the last election?—I did.  
 4102. For Mr. Gladstone?—Yes.  
 4103. Have you brought your books?—I have got none.  
 4104. Had you never a book or books?—No, not for any elections.  
 4105. Had you any book in which you kept an account of your dealings at the time?—No, not for that.  
 4106. We will judge of that ; where is the book?—I have got no one ; I never had one.  
 4107. How long had you been the landlord of the Turf?—Between three and four years.  
 4108. Do you mean that during the time you have kept the Turf you have not kept a book?—None at all.  
 4109. Had you no account of what beer you drew?—No ; I generally got the money for it.  
 4110. Have you no book in which you enter your outgoings and incomings?—Not of this description.  
 4111. Of what description have you?—I carry on a trade besides.  
 4112. In what?—The plating and casting.  
 4113. Of course you keep books in that business?—Yes.  
 4114. The Turf is a licensed house?—I believe it is.  
 4115. Have you any doubt about it?—No.  
 4116. Is it not an inn or a public-house?—Yes ; not a beer-shop.  
 4117. What quantity of beer might you draw in a year?—That I cannot tell, I am sure.  
 4118. Is the quantity so large?—No, it is not a very large one.  
 4119. I dare say you can tell me about the quantity?—No, I cannot tell ; I took no account of it.  
 4120. Do you mean to say that you went on carrying on that house without knowing what you drew?—I left it entirely to my wife.  
 4121. She kept the books then?—No ; there was no book at the house.  
 4122. None at elections ? — No, nor none at the public-house ; we never trusted them.  
 4123. Not even to chalk it up behind the door?—We did not use chalk.  
 4124. Do you mean to swear you never chalked up any thing for any body ?—I do not mean to swear any such thing as that, but we had ready money for what we sold.  
 4125. Do you mean to say you did not suffer any one to run a score in chalk ?—We never chalked up, but I was never in the bar, hardly ; I left it to my wife.  
 4126. You were never in the bar?—Only sometimes.  
 4127. You spent your evenings there, probably?—I was generally up in the warehouse.  
 4128. You did not spend your Sundays in the warehouse?—No.  
 4129. Were you not in the house on Sunday?—Yes.  
 4130. Do you mean to say you did not know what was going on on the Sunday?—We in general close the door three parts of the day.  
 4131. You do not close the door in the evening?—We lock it at night.  
 4132. Before you lock it, do you not draw beer in the evening?—Very little.  
 4133. Did it ever happen to you to serve later on the Sunday evening?—Very seldom.  
 4134. You swear you had no book?—I have none.  
 4135. Is that because you have burnt it?—No ; I had none.  
 4136. Did you supply any refreshments in the course of the last election or canvass?—Yes ; plenty of them came and spent their sixpences and shillings.  
 4137. Did you give what was called a treat or a supper?—Yes, I did.

*William James.*

25 March 1841.

4138. When was that?—I cannot tell.
4139. Was that after Mr. Gladstone began his canvass?—Yes, I should think it was.
4140. How many days before the nomination?—Above a month.
4141. Do you mean to swear that?—Yes.
4142. Do you mean to say, on your oath, that it was above a month before the nomination that you gave a supper?—I never gave a supper.
4143. That you gave a treat?—I gave a treat.
4144. How many persons were there?—I cannot tell, for I was lame.
4145. Did the fact of your being lame prevent your using your eyesight?—No; but I could not see how many there were.
4146. Where were you?—I was in the kitchen; I had two of my toes broken.
4147. Where was this treat given?—It was given in the house.
4148. In what rooms?—They had something to eat in all the rooms.
4149. In all the rooms?—No, there was none in the bed-rooms nor the cellar.
4150. But in all the rooms used for your custom?—There is a large room where they had something to eat.
4151. In the other room had they something to eat and drink too?—They had it out of the big room.
4152. All the rooms you use for your custom were full on this occasion, I suppose?—No, they were not; they were coming in and going out.
4153. How long did this last?—I suppose five or six hours.
4154. You say you gave this treat; have you made out any account of it?—None.
4155. Have you kept any score at all of any kind?—No.
4156. You have sent no account in to any body?—No.
4157. Who told you to give this treat?—Myself; I was going to leave the house, and I said I would give my friends and neighbours a treat.
4158. Did they happen to be voters?—Some of them were voters and some not.
4159. Mr. Gladstone's voters?—There might be some of them there; I dare say there were.
4160. Were there many on the other side?—Yes, plenty; plenty, I mean, that were not voters.
4161. Were there any of Mr. Smith's voters there?—I cannot tell whether they were his voters or not.
4162. Do you mean to swear that you do not know there were none of Mr. Smith's voters?—I mean to swear that I do not know half his voters, or a quarter.
4163. How many voters were there in the house that evening?—I cannot tell.
4164. Did you give an indiscriminate invitation to all that chose to come in?—Yes, all that liked to come in.
4165. Were not they all friends of Mr. Gladstone?—Some of them, but not all.
4166. Will you swear that any friends of Mr. Smith were asked to come in?—I suppose there were some of his friends as well as Mr. Gladstone's.
4167. You mean to swear that to be the truth?—I mean to swear that to be the truth.
4168. Have you had any communication with Mr. Barnet about this?—No, I know nothing about Mr. Barnet, except his being an attorney.
4169. Do you mean to say, upon your solemn oath, that nobody suggested your opening your house to give this treat?—I say I gave it myself.
4170. Did nobody advise you to do it?—No.
4171. Did nobody ask you to do it?—No; I volunteered it myself to my friends, that I would give a treat.
4172. To whom did you say that?—To the friends and neighbours that came to my house.
4173. Do you mean to swear, upon your solemn oath, you do not expect to be paid for it?—I do not expect to be paid for it; I will swear it now, if you like.
4174. I ask whether you will swear that you do not expect to be paid for it?—I do not expect to be paid for that treat.
4175. Not at any time?—No, not at any time.
4176. I suppose you would be quite surprised if any body were to make you an offer?—I should not be alarmed.

4177. I did

4177. I did not ask whether you should be alarmed, but whether you should be surprised?—I should not be alarmed.

4178. Should you be astonished?—I think you are alarming me just now; I should be alarmed if any body was to come to pay me for it.

*William James.*

25 March 1841.

4179. Why?—Because I think it would be a thing impossible for any one to come to pay me for it.

4180. Do you mean to say you should be alarmed if any body were to offer to pay you for it?—I should be alarmed.

4181. Do you remember being served with a warrant?—I do.

4182. Do you swear that when this gentleman (Mr. Coppock) served you, you did not tell him that this had been entered in a book, and offered to fetch your book?—No; that gentleman asked me to fetch the book.

4183. Did not you say this had been entered in a book, and then turn short round and ask him whether he was come to pay you; and then when he said he was not, say you had no book?—No; I told him I had no book.

4184. Was not that when he refused to pay?—No; he asked me for a book.

4185. Did you not ask him whether he was come to pay it?—No; not till he asked me for the book; I said, "I suppose you are come to pay it, are you? I have got no book."

4186. Was not that after he said he had not come to pay it?—No.

4187. Will you swear you did not tell him that Mr. Barnet had ordered it?—No; he began to talk to me that he supposed the committee had ordered it.

4188. Did not you tell him that Mr. Barnet had ordered it?—No.

Cross-examined by Mr. Serjeant *Wrangham*.

4189. Do I understand you to say that Mr. Coppock represented himself as a person come to pay you your bill?—Yes; he said he was come to pay me my bill, and I said I had got none.

[The Witness withdrew.]

*Samuel Patch* was called in; and, having been sworn, was Examined by Mr. *Cockburn*, as follows:

4190. WHAT is your name?—*Samuel Patch*.

*Samuel Patch.*

4191. You are an agent, I believe, living in Parliament-street?—Yes.

4192. Do you know Mr. Horatio Barnet?—Yes.

4193. How long have you known him?—When I first was introduced to Mr. Barnet was in 1838.

4194. Was that on the occasion of the trial of the last Walsall petition?—It was.

4195. Were you employed by him then?—I was to be employed, but, being engaged in other committees, some other gentleman attended.

4196. I believe on that occasion Mr. Barnet was employed for Mr. Forster?—He was.

4197. Did you go to Walsall on the 26th of January last?—Yes.

4198. How came you to go?—I wrote to Mr. Barnet, to know whether I might be of any use to him, and, not having any answer, I thought I might, and went down.

4199. When you got down did you put yourself in communication with Mr. Barnet?—Yes; shortly after I got to Walsall, I first went to the Turk's Head, and from thence I inquired for Mr. Barnet's house, and I went to his house; I found that he was at the George, and I went to the George to him.

4200. What did you do when you got there?—I sent him a note, saying that I wanted to see him, and he came to me.

4201. Did he take you any where?—He took me into the room where Mr. Wilkins was speaking, the assembly-room.

4202. Mr. Wilkins, of Manchester?—Yes.

4203. Mr. Barnet took you into the assembly-room?—Yes.

4204. After the meeting was over, did Mr. Barnet take you any where?—I went with him into a small room from the assembly-room.

4205. What passed in the small room; was any body else present besides yourselves?—There were several there.

4206. Do you remember who they were?—There was Mr. Windle there; I knew him to be the same gentleman I had seen the night before.

4207. Any body else?—I cannot say that I can recollect the names; I think there was a person of the name of Price there.

4208. Did any thing pass between you and Mr. Barnet there?—I think I

*Samuel Patch.*

25 March 1841.

spoke to him as to whether I could be of any use to him, and he said he would let me know.

4209. When was he to let you know?—The next morning; he told me to call upon him the next morning.

4210. Did you call upon him the next morning?—I did; I called upon him at the George, at 10 o'clock.

4211. Did he tell you where to put up?—I told him where I was residing the night before, at the Turk's Head; he said it was a very comfortable house.

4212. Did he desire you to stay there?—He desired me to stay there, and he would send for me when I was wanted.

4213. Was any further arrangement made?—I called on him the next morning at the George, and Mr. Barnet told me no arrangement had been come to, and I had better call again the next morning; that was on the Wednesday.

4214. Did you call again on the Wednesday?—No; I then went back to the Turk's Head, and remained there; on the Thursday morning I called again.

4215. What name did you go by?—I think I suggested to Mr. Barnet that probably it would be as well I should be called Mr. Davis.

4216. What did Mr. Barnet say to that suggestion?—He did not disagree to it.

4217. Did you go by the name of Davis?—Yes, I did.

4218. You say you saw Mr. Barnet again on the Thursday morning; what did he say to you?—He called me into the private committee-room, the smaller room; and Mr. Barnet then, in the presence of one or two gentlemen who were present, told me he was sorry to inform me he could not give me a retainer on the same terms as the other professional gentlemen.

4219. Did he say any thing further to you about any services?—That he thought I should be useful if I remained during the election.

4220. What if you did?—That I might be useful during the election.

4221. What was to happen if you did?—I do not know that there was any thing particular stated with reference to that.

4222. Who was to pay your expenses?—Of course Mr. Barnet would pay my expenses if I remained at his desire.

4223. Was any thing said upon the subject?—Not as to any terms.

4224. Nothing was said about your expenses on that occasion?—No.

4225. On the Friday did you go to a meeting at Bloxwich?—Yes.

4226. At Somerfield's?—Yes.

4227. Was Mr. Barnet there?—No.

4228. Did you afterwards go to the George Inn; did you from time to time go there?—I was there every day.

4229. We have heard there is an assembly-room, a large room at the George, with a paper put up describing it as Mr. Gladstone's committee-room; did you go there?—I was there every day.

4230. Was that attended by a certain number of the gentlemen of his committee?—There were a great number of the gentlemen I have seen in that committee-room.

4231. Was there any list of the committee stuck up in that room?—I saw a list of certain gentlemen on the table.

4232. Lying on the table?—Yes.

4233. Not stuck up in the room?—No.

4234. Who were the gentlemen who generally attended there, and took the most prominent part?—I have seen a great number; I have seen Mr. Charles Brookes there; I have seen Mr. Fisher there; I have seen the Mr. Jameses there.

4235. I do not ask you whom you may have seen occasionally, but who generally attended there?—It was a committee-room for any body; a person could walk in; any friend of the party.

4236. You have told us there was a smaller room; where was that?—You have to come through from the assembly-room into the house to that smaller room.

4237. Was that No. 10?—Yes.

4238. Was that a private room?—Yes; it was written up, "Private."

4239. Did you go into that room?—I do not think I was in that room more than three times in my life.

4240. Whom did you then see?—The morning I was there Mr. Barnet told me

*Samuel Patch.*

25 March 1841.

me he had seen the finance committee, and could not give me a retainer; I was there a short time, and took a glass of sherry wine, and I think a sandwich, with Mr. Barnet; and Mr. Forster came in while I was there.

4241. Did Mr. Barnet say any thing to you about the gentlemen who were in that private room?—He said it was the private committee-room.

4242. Did he tell you who were the private committee?—No, I do not recollect that he did.

4243. As you were there three times, whom did you see there on the other occasions?—I saw Mr. Jesson there.

4244. What was Mr. Jesson doing?—I think he was writing the day I saw him there, and I think Mr. Windle and Mr. Forster; I think I saw them.

4245. Whom did you see the third time you were there?—I think I saw Mr. Perkes come out of that room, though I did not see him in the room.

4246. On the morning of the nomination were you in the private committee-room?—Yes; it was a different room on the morning of the nomination.

4247. Where did you go on the morning of the nomination?—I went to the George Inn, and went out of a larger room into No. 10.

4248. Whom did you see there?—There were only two gentlemen in the room when I went in, who were Mr. Jesson and Mr. Barnet.

4249. Was there any voter there or any other person?—Yes; Marlow came in.

4250. What passed between you and Mr. Barnet on that occasion?—Mr. Jesson said to Mr. Barnet, "We must take care of that voter;" then Mr. Barnet said to me, "You take him over to the New Inn."

4251. What did Mr. Barnet tell you to do with him there?—I took him over first, then I returned again, and during that time he came out.

4252. Who came out?—Marlow came out of that house, the New Inn, when first I went over.

4253. At the time when Mr. Barnet told you to take him to the New Inn, did he tell you any thing further what you were to do?—I asked what I was to do.

4254. What did Mr. Barnet say to you?—He said I was to take care of him; I asked whether I should give him any thing; he said, "Yes, I leave that with you; you had better remain, for others will be sent to you."

4255. Recollect whether Mr. Barnet said any thing to you about others?—I was to take care of them.

4256. Did he say what others?—No; no names were given.

4257. Was any thing said to describe them?—No.

4258. Did you ask for any directions, as regarded those others, what you were to do with them?—No; after I understood from Mr. Barnet that I was to do as I thought proper with them; I knew they would not remain without having something.

4259. Did that apply to the others who were to be sent there, or only Marlow?—I took it as applying to the whole.

4260. Mr. Serjeant *Wrangham*.] What did you take to apply to the whole?—That I was to take care, of course, of the whole that were sent under my charge.

4261. Mr. *Cockburn*.] Just tell us over again what passed between you and Mr. Barnet?—When I came back the second time, I said, I did not think I could keep them without something being done; he said, "Do you give them what you think proper;" and that I, of course, supposed was to apply to the whole.

4262. Marlow, you say, went away?—He followed me; he was seen from the window out in the street.

4263. You asked Mr. Barnet, if I understand you, what you should do?—I did.

4264. What did he say?—He merely said, "You must take care of him, and you must take care of the voters that will be sent; there will be others sent as well as this man;" I said, "Will it be proper to give them any thing?" he said, "That I leave entirely to you."

4265. Did you go back to the New Inn?—Yes.

4266. At what time in the day was this?—It was about 11 o'clock in the morning.

4267. Of the nomination-day?—Yes.

4268. When you got back to the New Inn, whom did you find there; were there many voters there?—When I got to the New Inn, I went to the parties



*Samuel Patch.*

25 March 1841.

in the house to know whether I could have a room; they said, "Yes, there was a private room in a certain part of the house;" when I came there I found some of the reporters there; I thought that the most convenient room for keeping witnesses, because they could not escape.

4269. For keeping witnesses?—For keeping the voters, I mean; then I applied for that room, and got the key to prevent their going into the yard; they could not come out without coming down by the bar and the kitchen.

4270. Did you go into the large room, the assembly-room or club-room?—There are two rooms; there is a division between them, but I dare say it might be called a club-room; it is a large room.

4271. Did you go into that?—Yes.

4272. Were there voters in that?—There was Marlow.

4273. Did voters come after that?—Yes, there were several there after that, in a very short time.

4274. Did the room continue to fill as the day advanced?—Yes.

4275. Was it full at night?—Very full indeed at night.

4276. You went in and out?—Yes; we had a great deal of trouble with Marlow; I was obliged to get some one to assist me; he was running all over the house, or would have done.

4277. He got drunk?—He very soon got drunk.

4278. How many voters had you in the room in the evening?—I dare say I had 20 or 30, or there might be more.

4279. Did you supply them with whatever they wanted?—I called for a bottle of wine when I first went in; that was supplied; I never called for any thing else afterwards; they called for whatever they wished.

4280. It was furnished to them?—Yes.

4281. Did you keep the key of that room?—Yes.

4282. The smaller room?—Yes.

4283. In which there were 20 or 30 voters?—Yes.

4284. The large room, you say, was full of people?—Yes, it was.

4285. How many people might there be in the large room?—This room itself, I dare say, would hold 50 people, where there was a partition across.

4286. There were not 50 in it?—No, only about 20 or 30, till late at night.

4287. How many were there altogether in the large room late at night?—I dare say 50.

4288. Did they have any thing to drink?—Yes, they had whatever they pleased to call for.

4289. Did you receive a list from Mr. Barnet?—I received a list; I cannot say that I received it from Mr. Barnet.

4290. Do you know Mr. Barnet's handwriting?—Yes.

4291. What was that list?—It was a list of the men that were there, to be taken in the morning.

4292. Having been kept during the night?—Yes.

4293. Do you know Mr. Barnet's handwriting?—Yes.

4294. Look at that, and say whether that is Mr. Barnet's handwriting [*a paper being shown to the Witness*]?—It is very like it.

4295. Is that the list you had?—It is the list that was furnished to me.

4296. Is that his writing [*another paper being shown to the Witness*]?—

4297. Mr. Talbot.] Have you ever seen Mr. Barnet write?—Yes.

4298. How often?—Several times I have seen him writing.

4299. Mr. Cockburn.] Is that Mr. Barnet's handwriting?—This is his handwriting.

4300. Look at the other?—It appears to be the same.

4301. Is that the list you received from the committee-room?—Yes.

4302. Mr. Barnet said he should send other voters to you?—Yes.

4303. Did you afterwards receive a list of other voters sent from the committee-room?—Yes.

4304. From whom?—I think a person of the name of Price brought it to me.

4305. Are those the names of the voters whom you did keep in that room?—Some of them.

4306. Joseph Marlow, you say he was one?—Yes.

4307. He was the first?—He was.

4308. Here

*Samuel Patch.*

25 March 1841.

4308. Here is a list of the places where they were to poll?—I inquired where they were to poll, for I was to keep them all night.

4309. Frere-street, is that one?—Yes.

4310. Stafford-street, another?—Yes.

4311. Bradford-street, another?—Yes.

4312. Here is Joseph Marlow; Frere-street is the place where he polled?—Yes, he did poll there, I should think, because it was his place for polling; I did not take him to the poll.

4313. Simeon Burns, was he one of them?—Yes.

4314. He is marked Frere-street; was that his place of polling?—Yes.

4315. Mr. Serjeant *Wrangham*.] Did you take them to the poll?—I did not take this party to the poll.

4316. Mr. *Cockburn*.] Was Samuel Francis one of those whom you kept?—Yes.

4317. Isaac Webb?—Yes.

4318. John Taylor?—Yes.

4319. Samuel Tunks?—Yes.

4320. William Day?—Yes.

4321. Joseph Gould?—Yes.

4322. Thomas Profit?—Yes.

4323. William Briggs?—Yes.

4324. Are there any others you recollect besides those?—No, I have no recollection; they were strange to me; there were others there, but they left.

4325. You remember those?—Yes; there were several there; there was Mr. Franklin there and Mr. Dixon, who took the chair that evening and gave toasts.

4326. I refer to those who were kept in that room?—In the evening a great many of the friends of the party came, and some of the men left; I had the key of the door; they could not go out unless I knew they were going.

4327. Were the gates of the inn locked that night?—Yes.

4328. At what time were they locked?—I should think about nine o'clock.

4329. Were many of those men drunk that night?—O, yes.

4330. The greater part of them?—The greater number of them.

4331. Were the men in the larger room drunk too, a great many of them?—Yes, there were some eating in the outer room and some drinking in the inner room, and drinking as well in the outer room, but I do not know who they were; they were friends of the party; I cannot say that they were all voters.

4332. Was there a dinner that day in the house, the New Inn?—Yes.

4333. At what time?—I should think about two o'clock.

4334. Who was president?—I think it was a gentleman from Dudley; I think they called him the mayor of Dudley.

4335. What was his name?—I do not recollect.

4336. Was Mr. Charles Brookes there?—Yes.

4337. The next morning, the day of the polling, was there a breakfast at the New Inn?—Yes, a breakfast; there were a great number early in the morning.

4338. At what time in the morning?—They were providing for the witnesses all night; there were parties in different parts of the house eating and drinking all night in the rooms and the kitchen; as they came down-stairs they could not go out, because the front door was locked and the yard door was locked.

4339. Did you see Mr. Barnet at the New Inn on the morning between the night of the nomination and the morning of the poll?—Yes.

4340. At what time in the morning did he come?—Probably about four o'clock.

4341. Where did he come to?—He came with some other gentlemen, I think.

4342. Do you recollect who they were?—I do not recollect; there was a Mr. Price came in just afterwards.

4343. Mr. Barnet came, you say; where did he come to?—He came to the New Inn; I had the key of the door, and I think I let Mr. Barnet in; in fact, I had the key of the door; I had left the other room then, and had come down to the other door; that was the door leading into the yard.

4344. You say Mr. Price was with him?—Mr. Price followed him; I do not know whether there was not a Mr. James with him.

4345. Was that the Mr. Price from whom you received that paper?—Yes.

Samuel Patch.

25 March 1841:

4346. Into what room did Mr. Barnet go?—He went up-stairs; he went by the bar.

4347. Did he tell you what he came for at that early hour of the morning?—He asked me if any witnesses had left.

4348. If any what?—If any voters had left that were there; and I said no.

4349. Did he go up-stairs to look at them himself?—He went away from that part; I could not see whether he went up-stairs, for he must have gone through the kitchen.

[Adjourned to To-morrow, at Eleven o'clock.]

*Veneris, 26<sup>o</sup> die Martii, 1841.*

LORD ELIOT, Esq., IN THE CHAIR.

The Names of the Members were called over; all present.

*Samuel Patch* was again called in; and further Examined by Mr. *Cockburn*, as follows:

Samuel Patch.

26 March 1841.

4350. I THINK you told us that you stayed through the night at the New Inn?—Yes.

4351. What was done on the morning of the polling?—There was a breakfast there.

4352. In which room?—The long room.

4353. For whom was that; for voters, or for persons indiscriminately?—For voters, I should say.

4354. Those men whom you had there all night, did they breakfast there?—Yes, those that had been there all night breakfasted there; there might be more.

4355. Did others come in?—Yes.

4356. How many should you say breakfasted in the long room that morning?—I dare say there were 20 or 30 breakfasted there.

4357. At different times, or all together?—Not all together.

4358. Were they taken from thence to the poll?—They were.

4359. Who took them to the poll?—Different parties.

4360. Can you tell me the names of the parties who came to fetch the voters to the poll; do you remember any persons who came to fetch them?—No.

4361. Do you know Mr. Kilner, the landlord of the New Inn?—Yes.

4362. Did he show you his books?—He did.

4363. Was it upon the subject of the election he showed you his books?—It was.

4364. How long after the thing was over?—It was on the Friday afterwards.

4365. Of course you had some bill against you at the inn where you were staying?—There was a bill.

4366. Did you apply to Mr. Barnet about the payment of that bill?—I did.

4367. Did Mr. Barnet give Mr. Kilner any direction or authority about it?—

4368. Mr. Serjeant *Wrangham*.] Did you hear him?—No, I did not hear him.

4369. Mr. *Cockburn*.] Did you receive money to pay your expenses to London?—I did.

4370. From whom?—From Kilner.

4371. How much?—Four pounds.

4372. Did you receive a note before you left from Mr. Barnet?—Yes.

4373. Is that it—[*a note being shown to the witness*]?—Yes.

4374. Was that on the Friday after the election?—It was.

5375. I see it is directed to the name of Davis, Turk's Head Inn?—Yes, it is.

4376. You have told us already that you went by the name of Davis?—Yes.

4377. That is Mr. Barnet's handwriting, is it?—It is.

[*The note was read, as follows:*]

Dear

Dear Sir,

Walsall, Friday.

*Samuel Patch.*

I am sorry to say I find myself even more disabled to assist you this morning than yesterday; I write this to save you the trouble of coming, as I am going out.

In haste. Yours truly,

26 March 1841.

Addressed to Mr. Davis, Turk's Head Inn.

W. B.

4378. Previous to the election, after you got down, were you sent to Manchester?—Yes.

4379. Were you present at a meeting in the private room at the New Inn?—I was.

4380. Were you sent to Manchester?—I was.

4381. By whom?—By Mr. Charles Brookes.

4382. Where did you see Mr. Charles Brookes?—At the New Inn.

4383. Who were present there?—Mr. Wilkins, Mr. James, and Mr. Bassett Smith and Mr. Brookes.

4384. What is Mr. James's christian name?—I do not know his christian name.

4385. What were you to do at Manchester?—I was sent to bring a certain party up, to bring a person from Manchester.

4386. Did you bring a party back?—I did.

4387. Did that party take any part in the election afterwards on his return?—He tried to address the electors, but was prevented.

4388. Did you see him in communication with Mr. Barnet at all?—No.

4389. Did Mr. Brookes desire you to go to Mr. Barnet for any thing, with reference to this party?—Yes.

4390. Did you go to Mr. Barnet?—I did.

4391. What did you say to Mr. Barnet upon the subject?—It was with regard to his expenses.

4392. The expenses of this individual whom you had brought from Manchester?—Yes.

4393. I suppose you mentioned his name to Mr. Barnet?—I asked Mr. Barnet whether he had seen so and so; and he said he had given him a ticket to go on the hustings.

4394. What was the name of this individual whom you named to Mr. Barnet?—Nightingale.

4395. What was he?—A chartist, a leading chartist.

4396. What did you say to Mr. Barnet about his expenses?—Mr. Brookes said, "If you go to Mr. Barnet, he will give you a cheque for the money."

4397. What did you say to Mr. Barnet?—I spoke to him with reference to the expenses of Nightingale.

4398. What did you say to him?—I said Mr. Brookes had sent me to him to give me a cheque for Nightingale for the amount that I agreed with Nightingale to come up.

4399. What did Mr. Barnet say to that?—He said he could not interfere with it.

4400. About giving the cheque?—Yes.

4401. Did he assign any reason?—He said the party that sent for him must pay those expenses.

4402. Nightingale was there, was he?—He was.

4403. What is Mr. Nightingale?—He keeps an inn at Manchester.

4404. Did you tell Mr. Barnet what the man had been fetched for?—No, no more than I asked if he was aware that Nightingale had arrived; and he said "Yes, I have given him a ticket to go on the hustings."

4405. How long did Nightingale stay in the town?—He stayed until the day after the election.

4406. Where?—He was stopping at the New Inn with Mr. Wilkins.

4407. Mr. Wilkins the barrister?—Yes.

4408. Did he make any address?—He tried to address the people; but the mayor said that no person should speak, unless it was by the sanction of the candidates.

4409. Were you about the town on the day of nomination?—The early part of the morning I was.

4410. Two or three days previous to the nomination day, were you about in different parts of the town?—Yes, I walked through the town.

4411. Was there much treating going on? did you go into the public-houses?—No, I only went to the George, the Turk's Head and the New Inn.

4412. Was there any thing going on at the Turk's Head?—No, not that I saw.

*Samuel Patch.*

[The list referred to by the witness yesterday was delivered in, and read, as follows:]

26 March 1841.

	POLLS AT—					
" Jos. Marlow	-	-	-	-	-	Freer-street.
Simeon Burns	-	-	-	-	-	ditto.
S. Frances	-	-	-	-	-	ditto.
Isaac Webb	-	-	-	-	-	Stafford-street.
John Taylor	-	-	-	-	-	ditto.
Samuel Tunks	-	-	-	-	-	ditto.
William Wood	-	-	-	-	-	Freer-street.
James Gould	-	-	-	-	-	Bradford-street.
Thomas Proffit	-	-	-	-	-	Stafford-street.
W. Briggs	-	-	-	-	-	Bradford-street.

Cross-examined by Mr. Serjeant *Wrangham*.

4413. Nobody was to be allowed to address the people, except by the sanction of the candidates?—By the sanction of the candidates, as I understood.

4414. Mr. Nightingale was not allowed to address them?—He was not allowed to address them by the party at the house; they would not allow him to refer to them; that was at the George Inn; that was after the nomination was over.

4415. At the place where the mayor determined that no person should be allowed to address them, but by the sanction of the candidates, was Mr. Nightingale prevented from addressing them?—I do not know that he attempted at that place; it was on the steps Mr. Wilkins tried to address them down at the George Inn.

4416. Was Mr. Nightingale there?—I did not see him there; what I allude to was opposite the hustings, where he attempted to address them.

4417. Was it there the mayor said no person should address them, except by the sanction of the candidates?—No.

4418. Then why did you tell us any thing about the mayor saying that no person should speak, except by the sanction of the candidates?—It was at the George Inn Mr. Wilkins attempted to address them, and I dare say Mr. Nightingale did too.

4419. You dare say?—I did not see him at the George Inn attempting to address them.

4420. How came you to drop any thing about what the mayor said about who should be permitted to address them, if it had no reference to Mr. Nightingale?—Mr. Nightingale at the New Inn stated that he could not address the electors, because the mayor would not allow any person to address them, unless it was by the sanction of the candidates.

4421. That was at the New Inn?—Yes.

4422. When?—On the day of nomination, the Monday.

4423. The mayor prohibited any person from addressing the people at the George Inn after the election?—No, not after the election.

4424. Mr. Nightingale stated that as his reason for not addressing the electors?—Yes, he did.

4425. Will you be good enough to tell me what your profession is?—Agent and accountant.

4426. What sort of an agent?—I am very frequently engaged in Committees; I think I have been examined by you before.

4427. I believe you have; I rather think I know something about you, but we shall see presently; what sort of an agent are you—you can have no objection to state that?—I should say an electioneering agent.

4428. Are you a parliamentary agent?—I have been connected with agency, parliamentary agency.

4429. Do you mean that you have been an agent on your own account, or clerk to somebody who is?—I have assisted gentlemen from the country in agency.

4430. Did you act as a parliamentary agent?—I do not know that I have entered my name as an agent.

4431. Have you any doubt you never have?—I have never given in my name.

4432. Nor any of your names, have you; do you pretend to say you ever gave any of your names in as a parliamentary agent, any of your Patches or Davises, or any of the other aliases you take?—No.

4433. Do you call yourself a parliamentary agent, then?—I can; because a person

person that is connected with business at the House, may be the agent in a thing brought before the House, though he may not be the person carrying on the business.

*Samuel Patch.*

26 March 1841.

4434. Will you be good enough to tell me with what Bills you have ever been connected as an agent?—In a Road Bill I have, from Shawe; it was a Private Road Bill, brought up by Mr. Hamerton, from Shawe and Oldham.

4435. When was that?—In 1838.

4436. Have you been connected with a single Bill since that time?—No

4437. If you ever represented that you were engaged in Private Bills during the present Session of Parliament, you represented that which was false, it appears?—No, because I was connected with one or two things that will be before the House this Session.

4438. Were they Private Bills?—Private Bills.

4439. You know what a Private Bill is?—If I am employed to attend any agent who comes up from the country, I expect to be paid for my services, if I render any service to him.

4440. Will you venture to say before this Committee, that you have been engaged as parliamentary agent with respect to a single Private Bill since the year 1838?—No, I have not been connected as an agent here, decidedly not.

4441. Have you been connected at all?—No.

4442. If I understand you, you have never been connected as agent or otherwise with any Private Bill since the year 1838?—No.

4443. If you have represented to any one that you have been engaged as parliamentary agent, or in connexion with a Private Bill during the present Session, have you not stated that which is false?—I am so far engaged now in some business that will be before the House.

4444. Let us dispose of the time past first. If you have some time ago represented that you were employed as an agent for Private Bills, and particularly Private Bills this Session, did you represent that which was false or true?—I have never represented that I was employed in any particular Private Bill this Session.

4445. Have you never at any time represented that you were engaged in any Private Bill this Session of Parliament?—No, I have not.

4446. Then I need hardly put the other question; if you have so represented that you were, you stated that which is false?—I might have said I was connected with some Bills which will be before the House, for I am employed in the management of some business.

4447. The question is, what you have been?—I have not entered any Private Bill before any Committee as an agent.

4448. You have told me you have never represented that you have been employed in connexion with any Private Bills this Session, and that in point of fact you never have been so employed during this Session; if any representation had been made by you, that you were employed in connexion with Private Bills, would not that representation be false?—I should have been connected, provided Mr. Fox Maule had not brought in that Turnpike Bill.

4449. However, you can take upon you to swear, you never have represented that you were connected with Private Bills this Session—that you have told me?—I do not know; but that may apply to other cases—I may be employed assisting parties. I have never represented myself to be a real agent.

4450. Did you not tell me, that you never told any one you had been engaged in any Private Bill this Session of Parliament?—Not as an agent.

4451. Did you not tell me just now, that you never represented to any one that you were employed with respect to any Private Bills in this Session of Parliament?—I mean to say I have been employed, but not as an agent.

4452. Have you represented that you have been employed?—Yes, I have.

4453. Is that what you meant when you said, you had never represented that you had been employed with respect to any Private Bills in this Session of Parliament?—You asked me whether I was the agent for a Bill, and I said no; but I have been connected with the agent.

4454. I beg your pardon; I asked you whether you had been engaged as agent or otherwise with any Private Bill in this Session of Parliament; you said you had not?—Then I did not understand your question.

4455. You tell me that you are an agent and also an accountant?—Yes.

4456. You have told us a little about your experience as agent; how long is it since you last acted as an accountant?—Some years.

*Samuel Patch.*

26 March 1841.

4457. When was the last occasion that your services were required as an accountant?—Very lately.

4458. Who is the person who employed you?—I was employed a short time since by a Mr. Cresswell.

4459. Where does Mr. Cresswell live who employed you?—In Gloucestershire.

4460. How long is that ago?—About four months ago.

4461. What is the last time you have been employed?—I have many things before me now, as an accountant, to attend to.

4462. Will you give us the names of any of the parties who are now employing you as an accountant?—I have business to attend to as an accountant; but I do not know that I am bound to tell my private business here.

4463. Will you name any person who is now employing you in the capacity of an accountant?—Not at the present moment, nor for the last two or three days.

4464. You say you have business before you as an accountant; whose business is it?—I do not know that I am bound to answer that question.

Mr. *Cockburn* objected to the examination, and submitted that the witness was not bound to state the names of the persons by whom he was employed.

The Committee-room was cleared.

After a short time, the counsel and parties were again called in, and informed that the Committee had determined that the witness was bound to answer the question.

4465. Mr. Serjeant *Wrangham*.] Will you mention the name of any person who is at present employing you?—A person of the name of Mr. James.

4466. Which Mr. James?—Mr. James that lives in the country.

4467. Where?—If I have got any thing to do which is a private affair connected with a party, I do not think it is proper for me to answer that question.

4468. The Committee have decided that question, therefore you will be good enough to tell me the name of any person who is employing you; who is Mr. James—give his residence and description?—I do not know that I am bound to do that.

4469. Be good enough to answer the question; who is he, and where does he live?—I will tell you: his name is Mr. James, and he lives at Blackton, in Berkshire.

4470. Does he follow any trade there?—Yes, he does.

4471. What trade?—He is a farmer there, and in business; he is a grazier and a farmer.

4472. You are doing business for Mr. James as an accountant?—Yes.

4473. Are you doing any business for Mr. Coppock at present?—I am not.

4474. Have you nothing to do with the witnesses?—I have not.

4475. You did not go to fetch a witness yesterday, when he was to be called by the Committee?—Yes, when he was to be re-called, because the party left word outside that he was going to his lodgings; that he was taken ill; and asked me to fetch him if he was wanted.

4476. He asked you?—Yes, he did.

4477. Where was he lodging?—In King-street.

4478. Who took him there?—I do not know.

4479. Did not you take him?—I did not.

4480. Did not you meet the witnesses in Euston-square?—I did.

4481. Not being employed?—No, I went up to see whether any witnesses were come.

4482. Did you meet them in Euston-square, and accompany them to King-street?—No, I went with them to the Morning Bush.

4483. Did not you ask them to go to King-street?—No.

4484. That you swear?—I did not, for I asked them to go to Fendall's Hotel.

4485. Do you mean to say you were not employed to do that?—I was not.

4486. Did you do it out of your own head?—I did; I might have done it, probably, more for the benefit of Mrs. Fendall than any body else.

4487. Do

*Samuel Patch.*

26 March 1841.

4487. Do you mean to tell the Committee, you went to take the witnesses to a particular place, having no sort of connexion with either party in this business?—I was not sent by any person there.

4488. You mean to swear that, having no authority or connexion with any party in this business, you went and met a batch of witnesses and attempted to take them to a particular place?—I went up twice that day; I went up at one o'clock to see whether they were come in, and again in the evening.

4489. Do you mean to represent that, having no connexion with either of the parties or direction from them, you went and met the witnesses and tried to induce them to go to a particular house?—Yes.

4490. Had you taken no lodgings for any of them?—No, I had not.

4491. You had not spoken to any one about them?—Yes; for instance, I spoke to one or two parties to know whether they would have the witnesses there.

4492. Who were the parties?—I inquired over the water at the Pheasant, and also I inquired at Robinson's, here in Palace-yard, and Fendall's.

4493. Do you mean that you had not any instructions from any body?—No; for I knew the Walsall witnesses would be up, and I thought they would not be likely to get into comfortable places, knowing many of them had never been in London before.

4494. You did this from benevolence?—Persons generally apply to persons they have known.

4495. Did you do that out of pure benevolence to them?—I did.

4496. You did not do that for the sake of Mrs. Fendall?—As matter of benefit to the parties who came up, and also those in town.

4497. What a benevolent individual! Purely for the benefit of your friend Mrs. Fendall and those persons from Walsall, you met a batch of witnesses at the railway, and took them off to this place?—No, I did not take them.

4498. That was not your fault; you tried to take them?—No, I gave them cards; and they did not choose to go there.

4499. You gave them cards, and endeavoured to prevail upon them; I do not mean to say that you laid violent hands upon them, but you endeavoured to prevail upon them to go to Fendall's?—I did.

4500. Do you know Mrs. Isborn?—Yes.

4501. Where does she live?—In King-street.

4502. Is that the house where you found the voter the other day when you went for him?—Yes.

4503. Had you any conversation with Mrs. Isborn on the subject of witnesses coming to lodge there?—I called on Mrs. Isborn.

4504. Before they came?—No, not before they came.

4505. Why did you call after they came?—I called there the same evening that the witnesses did arrive; two of the party were gone away, and young Mr. Busst was very much afraid they had lost themselves, and I went down in the evening to see whether they were there.

4506. Had you any conversation with Mrs. Isborn, with respect to lodging those witnesses from Walsall?—Not to my recollection, I had not.

4507. Will you undertake to say you had not?—I might have asked her in conversation, as to these and other parties, for those are regular houses where witnesses go.

4508. Have you, upon your oath, or not, within the last three or four days, spoken to her about it?—I do not know that I have; I do not recollect that I have.

4509. Will you take upon yourself to swear you have not?—No, I will not, because I called on Mrs. Isborn a fortnight or three weeks ago.

4510. Did you also call on her a few days ago?—Yes, certainly, I called a few days ago.

4511. Did you call upon her a few days ago before the witnesses had come?—No, not before the witnesses had come.

4512. That you swear?—I do not recollect that I did call upon her a few days ago before the witnesses came.

4513. Do you not recollect what passed three or four days ago?—I dare say it might be five days ago.

4514. Did you call about five days ago?—I might, I think it is probable.

4515. "I might have called there"—I do not ask what you might have done?—I think I did, for I asked her whether there were any witnesses coming there.

319.

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4516. Have



*Samuel Patch.*

26 March 1841.

4516. Have you any doubt you called there and asked whether there were any witnesses coming there?—That was before the time you asked me to.

4517. As you are so very accurate, now what day was it?—I think it was Saturday.

4518. Saturday last?—I think it was; it was either Friday or Saturday, I am pretty sure.

4519. Have you called upon her since, before the witnesses had come?—No.

4520. When you called upon her, be it whatever day it might be, did you say any thing to her about there being some witnesses coming from Walsall, from Mr. Coppock, to her house, 16 witnesses or some other number?—No, I do not think I did; I could not have said that.

4521. Will you take upon you to swear you did not?—Yes, I can.

4522. Do you?—I do.

4523. You swear you did not say any thing to her about some witnesses coming there from Mr. Coppock?—I asked this question, if Mr. Coppock's witnesses were coming there, or if there were any beds taken there for any other witnesses; I did not ask particularly for Mr. Coppock more than any other party; I asked if there were any witnesses coming from Mr. Coppock, and if there were any witnesses coming from any other party.

4524. Have you spoken to Mrs. Isborn within these five or six days about witnesses coming from Mr. Coppock?—Not Mr. Coppock particularly.

4525. Did you speak to Mrs. Isborn about witnesses coming from Mr. Coppock?—I might have asked her the question.

4526. Have you or not?—I asked her this question, whether she had any witnesses coming from Mr. Coppock, or any witnesses coming from any other party.

4527. Did you not say to Mrs. Isborn that there were a certain number, 10 or 16, or whatever it might have been, of witnesses from Walsall, coming to that house from Mr. Coppock; and did not Mrs. Isborn ask you who you were, and decline to have any thing to say to you unless Mr. Coppock came himself, or words to that effect?—No, those were not the words; I asked her whether there were any witnesses coming from Mr. Coppock to her house, as I had understood that all things were engaged, and I then said, who are they from? who are they coming from? I did not make use of Mr. Coppock's name. First she said she was surprised she had not heard from Mr. Coppock about any witnesses; I said, as he always has your house, no doubt you will have some come from him.

4528. How do you happen to know that he always has that house; had you been employed by Mr. Coppock?—No, but I have frequently had to go there to see witnesses there, to bring witnesses for a party that I might have been concerned for.

4529. So that, because you were employed in fetching witnesses of Mr. Coppock from Mr. Isborn's house, you knew that Mr. Coppock had that house?—I had occasion to go there in the Ludlow case.

4530. Were you then employed by Mr. Coppock?—I was.

4531. Is that the mode by which you ascertained that Mr. Coppock always had Mrs. Isborn's house?—She told me so herself.

4532. Do you mean to swear, having told us something of what passed, that you did not tell her that there were 10 or 15, or a number of witnesses, coming from Mr. Coppock, and that she did ask you who you were, and that she did not decline to have any thing to do with you unless Mr. Coppock came himself?—I do not recollect that question being put to me.

4533. Will you undertake to swear it was not?—I do not exactly recollect the conversation that might have transpired that evening, but it is very likely I asked whether they were coming from Mr. Coppock.

4534. I will try to refresh your memory; what time was it you were there?—On which occasion? for I remember two or three times.

4535. I am speaking of the time with reference to those witnesses?—It might have been probably 10 or 11 o'clock.

4536. In the morning?—No, in the evening.

4537. Was not it 11 o'clock at night?—Very near.

4538. What took you to Mrs. Isborn's at 11 o'clock at night?—I asked her what witnesses were coming.

4539. Did you knock them up from their bed?—I did not know that when I rang the bell; they generally close their front shop earlier.

4540. Do you mean to say the inmates of that house had not retired for the night

night at the time you knocked them up at 11 o'clock at night?—They could not have retired, for the door was opened immediately.

4541. Had Mrs. Isborn retired?—She came down very shortly, and she was dressed.

4542. Do you not know that she had retired to her chamber for the night at the time you knocked?—I cannot say that; I dare say she was gone up-stairs with that view.

4543. You brought her down-stairs again; do you mean to say you did this merely for the purpose of asking whether there were any witnesses there from Mr. Coppock?—I said, "It is very likely you may have some witnesses from one party or the other, with what party have you engaged?"

4544. What did she say to you?—She said, "Who do you come from?" then she recollected my name; she said, "If you have come from Mr. Coppock, I shall not say any thing to you; I shall see Mr. Coppock myself, and I am surprised he has not sent to me."

4545. Did not you tell me just now that she did not decline to have any thing to say to you unless Mr. Coppock came himself?—No.

4546. Did not you tell me you recollected no such conversation?—Not according to the direct question you put to me; you asked me whether I did not go there by Mr. Coppock's desire; I said I did not.

4547. I never asked the question whether you went there by Mr. Coppock's desire, but whether she did not decline having any thing to say to you unless Mr. Coppock came himself; you said you recollected no such conversation?—No, I do not recollect that she did.

4548. Did she or not decline to have any thing to say to you on the subject of those witnesses unless Mr. Coppock came himself; that is a plain question, answer it, aye or no?—As far as the conversation went, I have stated that I did not at first recollect it; she said she would have nothing to do with me at first; that I recollect perfectly well, for she did not know from whom I came, for I was not sanctioned by any one to go; I merely wanted to find out whether there were other witnesses going, and I asked her if Mr. Coppock had taken the house.

4549. Did she say that if you came from Mr. Coppock, she declined to have any thing to say to you unless Mr. Coppock came himself?—She might have said so.

4550. Did she? Do not tell me about might—she might have said any thing?—To the best of my recollection I cannot say whether she did or did not.

4551. To the best of your recollection you cannot say whether she did or did not?—No.

4552. Will you venture to swear she did not; let us go by steps?—No, I cannot.

4553. Will you undertake to swear you do not recollect that she did?—I cannot say the precise words.

4554. I am not asking you the precise words, I am asking you to the substance, and I will have an answer if I can get one; did she or not decline to have any thing to say to you unless Mr. Coppock came himself?—She said she would have nothing to do with my witnesses; I do not recollect her saying any thing about Mr. Coppock, for I did not come from Mr. Coppock.

4555. You went as a volunteer?—Yes.

4556. What made you go to know whether this house was engaged by Coppock and Coppock's witnesses?—I wanted to know whether the witnesses were coming there entirely, to know where to find the witnesses.

4557. What made you anxious to know about the witnesses?—I knew I was subpoenaed; it is usual to inquire, when an election petition is coming on, whether a house is taken for the witnesses; I frequently put in witnesses, and went to know the fact.

4558. You are not an agent in the matter?—No.

4559. Then what took you at 11 o'clock at night to Mrs. Isborn's to know whether her house was engaged for Mr. Coppock's witnesses?—I was going up from the House, and I went round that way to inquire.

4560. I want to know what your reason was; what took you?—It is very frequently the case to inquire where the witnesses are going.

4561. What was your reason for inquiring whether that house was engaged for Mr. Coppock's witnesses?—I wanted to know whether Mr. Coppock had taken that place for the witnesses.

*Samuel Patch.*

26 March 1841.

Samuel Patch.

26 March 1841.

4562. You must give me the reason at last ; you shall not elude me ?—Knowing he had put in many witnesses before, I wanted to know whether they were going to that house.

4563. What is the reason why you wished to know whether Mr. Coppock's witnesses were going there ?—For no other reason than to know whether her house was engaged ; she has spoken to me once or twice to say she should be glad to have witnesses there.

4564. That is, you mean to say, you were anxious to know whether Mr. Coppock's witnesses were going there ?—Yes.

4565. That is all you have to say about it ?—Yes.

4566. You have told us you thought it expedient to go by the name of Davis at Walsall ?—Yes.

4567. Have you gone by any other alias, either at Walsall or elsewhere ?—No.

4568. Is Patch your true name ?—Yes.

4569. Samuel Patch ?—Yes.

4570. Have you no other name besides ?—Any other christian name ? yes.

4571. What is it ?—Samuel Derrick Patch.

4572. Have you never gone by any other name than Davis, besides Patch ?—No.

4573. You go down to Walsall, having written a letter, as I understand, to Mr. Barnet ?—Yes.

4574. Though you had got no answer ?—No.

4575. How long did you wait for that answer before you went to Walsall ?—I should think five days, it might have been, I cannot recollect, for I do not recollect the day I wrote.

4576. Where did you alight when you got to Walsall ?—At the Turk's Head ; the coach stopped there.

4577. Were you alone upon that occasion ?—No.

4578. Who accompanied you ?—My wife.

4579. Mrs. Samuel Patch went with you ?—Yes.

4580. What name did you give when you landed at this inn ?—I gave no name when I landed.

4581. Was there no name on your luggage ?—No.

4582. Be good enough to tell us what induced you to assume the name of Davis ?—I said to Mr. Barnet—it was an agreed thing between him and me—

4583. We have heard what you say you said to Mr. Barnet ?—I said, "There is no one knows me here ; will it not be as well for me to assume the name of Davis ?" and he said "Yes ;" and he wrote to me in that name.

4584. Did not you tell my learned friend, yesterday, that you told Mr. Barnet you should take the name of Davis, and that he did not disagree ?—Yes.

4585. That is your way of representing it ?—Yes.

4586. Why did you take the name of Davis, or make the suggestion to Mr. Barnet ?—For no other reason, than not being known at all, that it was as well, probably, to go by some other name as by my own, if I was engaged in any part of the election.

4587. That it was as well to go by some other name as your own ?—Yes.

4588. So that because nobody knew any thing of Patch, you thought you would take the name of Davis ?—Yes.

4589. Did any body know any thing of Davis then ?—Not that I am aware of.

4590. Was that your only reason ?—I do not know that I had any particular reason for doing it at the time.

4591. Do you mean that as an answer to the question ?—Yes.

4592. Do you mean to say that it was not because you thought you were too well known you would take the name of Davis ?—No, it was not because I was too well known, because I was not known at Walsall, except to Mr. Barnet.

4593. How then were you to be better known by the name of Davis than by the name of Patch ?—I might have been known by the name of Patch, because I had been connected with many elections before, and of course was known by that name.

4594. Was the reason for your taking the name of Davis that you were known by the name of Patch ?—I believe there was some one that did know me.

4595. Was it because you were known in Walsall by the name of Patch you took the name of Davis ?—No, I do not say that ; but somebody might happen to

to know me, or know my name; it was not till I came back from Manchester; it was to Mr. Wilkins I was known before.

*Samuel Patch.*

4596. Was it in consequence of some one in Walsall knowing you as Patch that you took the name of Davis; was that part of your reason?—I do not know; it might have been.

26 March 1841.

4597. That is a very favourite formulary you have; was it?—Really I do not know how to answer that question; it might have been as well, probably, for me not to give my own name in a place where I was a stranger.

4598. Was it because you were known, or because you were not known, that you took the name of Davis?—Because I was not known only by Mr. Barnet. I only knew Mr. Barnet in the town.

4599. Is that what you meant when you told us that some person in the town of Walsall knew you; did not you tell me that?—Mr. Barnet said it might be as well.

4600. Do you mean to say that Mr. Barnet suggested to you that you should change your name?—No, he did not; I suggested it myself.

4601. Why did you suggest it?—I do not know that I had any particular reason.

4602. Had you any other reason?—No.

4603. Had you any reason at all, either general or particular?—I do not know that I had; when I mentioned it, I mentioned that probably going there as a stranger, it might be as well for me not to give my name, for them to be calling me all over the town.

4604. You took the name of Davis, and I suppose gave that name at the inn where you were staying?—I do not know that I gave any name at first.

4605. You are not sure about it?—I am not certain that I did.

4606. Will you swear you did not, when you arrived at the Turk's Head, give the names of Mr. and Mrs. Davis?—No; I think some one came there the same night and asked for Mr. Davis, but I am not certain.

4607. Was that after you had given the name of Davis yourself?—I do not know that I gave the name of Davis to Mr. Lates; if there was any name given, it might have been by the waitress the next morning.

4608. Was that after you had assumed the name of Davis?—It was. I do not recollect giving any name there at all.

4609. Somebody came to you, you say?—No, I think some one came after me.

4610. That is, inquiring for Mr. Davis?—Yes.

4611. How did that come to you?—I asked if there was a letter; that was how it was in the first place; I asked the boots to go up to the post-office and inquire whether there was a letter for me.

4612. Whether there was a letter—with what name?—The name of Davis.

4613. A letter to come by post with the name of Davis?—Yes.

4614. Then when you left London you had there resolved on taking the name of Davis, and directed letters to be addressed to you by that name in Walsall?—No, I had not.

4615. Then where was the letter to come from?—From Birmingham.

4616. Had you in Birmingham directed letters to be so addressed to you?—No; I wrote from Walsall, and it was after that I sent up to know whether there was any letter.

4617. When was it you first assumed the name of Davis?—The first night. I do not know whether the landlord of the inn ever knew my name. I do not recollect that he ever asked me my name. I am quite certain he never asked me my name.

4618. Will you venture to say that when you told Mr. Barnet you proposed taking the name of Davis, you did not tell him you had given that name at the inn?—No; I swear I had not given the name of Davis there; for the very moment I arrived at Walsall, I did not stay in the house ten minutes before I inquired where Mr. Barnet's house was. I had not given my name before that, I am sure.

4619. You are sure you did not give your name when first you alighted?—No.

4620. Did your wife know you were to take the name of Davis?—No.

4621. Then she was Mrs. Patch and you were Mr. Davis?—If I gave my name, of course they would call her by the same name.

219.

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4622. How

*Samuel Patch.*

26 March 1841.

4622. How did she know that she was to answer to the name of Mrs. Davis?—I told her when I got back.

4623. In the mean time she would answer to the name of Patch?—If she was asked the question.

4624. Did you caution her before you went out?—No, I did not.

4625. You left it to chance whether she was to answer to the name of Patch or not?—Yes.

4626. You went to Mr. Barnet and suggested to him?—Yes, in the private room.

4627. That you had better be called Davis?—Yes, I did.

4628. And that you intended to take the name of Davis?—Yes.

4629. Was that the first time you saw Mr. Barnet?—It was.

4630. Was that in the private room?—Yes.

4631. Were there voters there at the time?—There were several gentlemen in the room.

4632. Do you mean to say this was a private conversation in that room?—No, it was not; I and Mr. Barnet were speaking privately together.

4633. Do you mean that you were speaking so as not to be heard by any persons in the room?—Yes.

4634. Will you give me the names of any persons who were present at this private conference with Mr. Barnet?—Indeed I do not know the names; but I will tell you Mr. Windle came in before I left. I was there some little time, and there were several strangers that I do not know I have ever seen since.

4635. There were a number of strangers there?—No, not a number; there were two or three—the number may be three.

4636. What was the number?—There might be three in the room at the time.

4637. Were there three in the room at the time you came?—No, not at the time I came, for I followed Mr. Barnet in.

4638. At what hour of the day was it when you went to Mr. Barnet?—In the evening; it was after seven o'clock probably: when I spoke to Mr. Barnet on this subject it was between nine and ten—it was after Mr. Wilkins had finished addressing the multitude.

4639. On what day?—On Tuesday the 26th of January.

4640. The day week before the election?—Yes.

4641. What did you state to Mr. Barnet at that interview?—I do not know that I stated any thing particular. I told him that, not hearing any thing from him, I thought I would come down and see whether he wanted any assistance.

4642. Was that all?—I do not know that there was any thing more said that evening. I asked him whether I could be of any use to him, and he said "I will see you in the morning."

4643. Did you say at all what had induced you to come down?—I do not recollect that I did, any more than to assist him.

4644. Did you mention to him any person whom you had seen in London previous to your coming down?—No.

4645. That you mean to swear?—Yes.

4646. Do you mean to swear that you did not say you had seen a particular gentleman in London on the subject, and that it was thought better you should come down?—No.

4647. Now, in order to recal it more to your memory, I will give you the name of the gentleman. Do you mean to say you did not state to Mr. Barnet, that you had come down about the election; that it had excited a great deal of interest; that you had spoken to Mr. Bonham on the subject, and that it was thought better you should come down?—I did not.

4648. Do you mean to swear you never mentioned the name of Mr. Bonham?—I do.

4649. Was the conversation between you and Mr. Barnet all in this whisper, or was it within the ear-shot of other parties?—All the conversation I had with Mr. Barnet; he came to me in the commercial-room, where I was staying to see him—all I spoke to him in private was about the names; and what he said about assistance, whether it was in the presence of any person that heard it, I do not know.

4650. You say you spoke to him in the commercial-room first; what passed then?—Mr. Barnet came into the room; I told the waitress to say where I was, and he came down.

4651. You

*Samuel Patch.*

26 March 1841.

4651. You gave your name?—I sent a note; I said there was a person waiting to see him.

4652. You sent a note from the commercial-room?—Yes.

4653. You sent a note to say you were waiting?—I did.

4654. Did Mr. Barnet come down?—He did.

4655. What passed in that room when he came down?—I do not know that any thing more passed in that room.

4656. Did you remove into any other room?—I recollect immediately walking into the yard and up into the assembly-room, where Mr. Wilkins was addressing the voters.

4657. Do you mean to say that Mr. Barnet came down in consequence of a note from you; that nothing passed; that he walked out one way, and you another?—No; I walked with him: I asked him about the election.

4658. Do you mean to say, nothing passed about the object for which you came down?—No, there did not; he went out immediately, and I went out with him, talking along the passage.

4659. Where to?—To get out into the yard to get up into the assembly-room.

4660. When you were going into the assembly-room did any thing pass?—We were talking about the election.

4661. Did you tell Mr. Barnet why you came down?—I told him I had come down to see whether I could assist him.

4662. Was that what you told him?—To the best of my recollection it was.

4663. Then you went into the assembly-room?—Yes; he gave me a card; I could not have gone in without, being a stranger.

4664. You heard Mr. Wilkins make a speech there?—Yes.

4665. How long did you remain in that room?—Till the meeting was over.

4666. That does not give me any information?—I might be there an hour and a half.

4667. Then you went with him into the private room?—Yes; he said it was a great difficulty I met with him, for he was up with the gentleman, in the orchestra, I should say it was.

4668. When he came out of the assembly-room you followed him?—Yes, when he came out of the assembly-room.

4669. You followed him into the small room?—Yes.

4670. In that way you obtained an interview with him?—Yes.

4671. Did not a conversation take place when you got into that No. 10, between you and Mr. Barnet?—I do not know that there was any thing further than my speaking to him about the name, and he said he would see me in the morning.

4672. Then you told him you thought it best to take the name of Davis?—Yes; he agreed to it; he said it was a very good suggestion of mine.

4673. That was all that passed between you?—It was, that evening, no more than I said I was stopping at the Turk's Head, and he said it was a comfortable house.

4674. Was there any body present when that passed which you have repeated?—Yes, there must have been one or two; there was a Mr. Price came in, but we were talking in the room privately together.

4675. All you said in that private room passed out of the hearing of any other person?—Yes, I should say it was out of hearing.

4676. Have you any doubt about that?—No, I have no doubt about it.

4677. You are quite sure nothing passed in that private room that could be heard by other persons?—I do not know; they might hear him say, "I will meet you in the morning," or something of that kind; but I know there was nothing they could hear about the name.

4678. Did you see him again in the morning?—I saw him in the morning.

4679. About what time?—Between 11 and 12.

4680. Where?—At the George.

4681. In which room?—He came down-stairs; I sent for him; he said he was in a hurry and could not see the parties, and for me to come over the next morning.

4682. On what day was that?—That was on the Wednesday.

4683. You sent up to him?—Yes.

4684. Did you send up a message or a note?—I do not know whether I did not send a note; I will not be certain of that.

*Samuel Patch.*

26 March 1841.

4685. You are quite sure you saw Mr. Barnet on the Wednesday, in consequence of that message, whether verbal or written?—Yes.

4686. Where was it you sent the message from; from which room?—I was on the landing, and I saw Price, and told him to tell Mr. Barnet that I wanted to see him.

4687. It was a verbal message then?—I am not certain whether on the Wednesday I sent a note or a message.

4688. In consequence of the note or message you sent to Mr. Barnet you saw him on the Wednesday?—Yes, I did.

4689. What did he say at that meeting?—He told me he had not seen the gentlemen, and that I had better call the next morning.

4690. The gentleman or gentlemen?—The gentlemen of the Finance Committee.

4691. Where did that conversation pass?—I think it was in the passage, as he was going out into the street.

4692. Was it or not in the passage?—It was.

4693. Did you see him at all again that day?—No.

4694. When did you see him again?—The next day, Thursday.

4695. The next day, Thursday, at what hour?—I should think between twelve and one.

4696. Was that about the same time you had seen him on the Wednesday?—It was near about the same time, I think.

4697. That was Thursday the 28th?—Yes.

4698. Did you send up to Mr. Barnet on that occasion?—I went up to the private committee-room and knocked at the door; I think it was Price opened the door, and I said I wanted to see Mr. Barnet, if he was disengaged.

4699. On that occasion you sent neither message or note?—No more than that I wanted to see him.

4700. You are quite clear upon that point?—Yes, I am quite clear upon that point.

4701. The only message you sent that day was knocking at the door, and saying you wanted to see Mr. Barnet?—Yes.

4702. Were you admitted?—Yes, I was asked to walk in.

4703. Who were there?—I think there was Mr. Green James (I found out his name afterwards; I did not know it at the time), and some other gentleman.

4704. Do you mean to say you cannot give us the names of any other persons?—I am sure that there were only those two persons in the room at the time.

4705. Did Mr. Price go out?—He was sent out for something, I think.

4706. He opened the door to you, did not he?—Yes.

4707. Did he stay in or go out when you went in?—He went out when I went into the room.

4708. Mr. James was then present, and the only person present besides Mr. Barnet and yourself?—No, there was some other gentleman present, but I do not know his name; I know there were two besides Mr. Barnet.

4709. Do you happen to know whether or not this gentleman was called Mr. Thomas?—I do not.

4710. Do you happen to know whether any of those gentlemen present were called Potter?—No, I do not know Mr. Potter.

4711. Do you happen to know whether any of those gentlemen were called Marklew?—Mr. Marklew might have been there.

4712. Was he there?—I cannot pretend to swear whether he was or not, but I think it probable he was there; but I should not know the difference between him and another gentleman that is very much like him.

4713. It was either Mr. Marklew, or a gentleman very much like him?—Yes.

4714. Were there also two others present?—There were, Mr. Barnet and three other gentlemen.

4715. Were there not five gentlemen besides yourself; Mr. Barnet, four others and yourself?—There might before I left the room, but not when I went in; decidedly not.

4716. You are sure there were not more than four persons, besides yourself, when you went in?—There were four, with myself.

4717. One was Mr. James, another Mr. Barnet was the third the gentleman like

*Samuel Patch.*

26 March 1841.

like Mr. Marklew?—It might have been Mr. Marklew, but I will not be certain whether it was he or not; I have seen Mr. Marklew a few days afterwards, but I cannot be sure whether it was he.

4718. Was the person who was there either he or a person so much like him?—I think it is likely Mr. Marklew was there; there was only one gentleman sitting down; he was sitting by the side of Mr. Barnet.

4719. Now, will you give us the precise words, as far as you recollect them, which passed between yourself and Mr. Barnet?—Yes; when I went in, Mr. Barnet said he had consulted the Finance Committee, and he was sorry to say he could not give me a retainer, the same as the other professional gentlemen.

4720. Did he say anything more?—I then said to him, "My services, probably, may be useful to you." He said, "Yes, they may." I said, "Shall I stay?" He said, "Yes, you had better, during the election."

4721. Tell us the words he used?—Those were the words.

4722. That you might be useful?—Yes.

4723. And that you were to stay, or you had better stay?—He said he would send to me over at the Turk's Head, when he wanted me; therefore, of course, I was to stay.

4724. Did he send to the Turk's Head?—I do not know; there were one or two parties came to tell me that I was to come over to the George; who sent them I do not know.

4725. Did Mr. Barnet ever, upon your oath, send to you at the Turk's Head?—Yes, he has sent to me at the Turk's Head; there were one or two persons, during my absence, came to the Turk's Head to inquire; but I cannot say that Mr. Barnet sent, unless he sent by note.

4726. Did you ever have any communication from Mr. Barnet, except about the expenses, when you wrote to ask to have them paid, after the election; any message or note from him?—No, I had no note from him.

4727. Or message?—That I cannot say, because when I was out in the town parties came to the Turk's Head, saying, I was wanted at the George; I cannot say who sent them.

4728. Did you ever receive a note or message from Mr. Barnet during the whole course of the election, or till after you addressed him on the subject of your expenses, when the election was over?—After my return from Manchester I went to the assembly-room on the day of nomination, and when Mr. Barnet sent me on with Marlow over to the New Inn.

4729. We have heard of that yesterday; did you ever receive a message or a note from Mr. Barnet during the whole course of the election?—I had no note from him during the election.

4730. Had you any message from him during the election?—Not distinctly from him, I do not know that I had; if I was out, and a person came to say I was wanted over at the George, I cannot tell who sent him.

4731. You can tell whether you received a message from him?—No, I do not know that I have; I do not know who sent from the George.

4732. You mean from the assembly-room, with a hundred people in it, over at the George?—It was only in the evening they were assembled.

4733. Do you mean to say there were not a great number there during the day?—Yes, in the large committee-room the people were walking in and out all day long.

4734. Were not there a large number of persons in that room all day long, all persons coming in and out as they pleased?—No; no persons came in that pleased; there were persons at the bottom to stop their coming up.

4735. I do not mean enemies, but any friends of Mr. Gladstone might go there?—Yes.

4736. You had a message from the George, but you cannot say whether it came from Mr. Barnet or not?—Of course, I could not tell whether it came from Mr. Barnet, unless I had a note from him.

4737. Have you stated all that passed between Mr. Barnet and yourself at the time he declined to give you a retainer?—Yes.

4738. I do not wish to take the slightest advantage of you, but recollect yourself?—That is all I recollect.

4739. Your memory has been called to this previously?—No.

4740. Were not you examined?—I was asked some questions by Mr. Coppock after I was subpoenaed.



*Samuel Patch.*

26 March 1841.

4741. And you gave Mr. Coppock the paper?—Yes.

4742. Did Mr. Coppock come to you, or did you go to Mr. Coppock?—A party called at my house on two or three occasions before I was subpoenaed; I heard that it was Mr. Coppock's clerk.

4743. Did you go to him?—No, not until I was subpoenaed; I denied myself till I wrote to Mr. Barnet.

4744. We will come to that presently, but attend first to this conversation in the inn with Mr. Barnet, when he declined to give you a retainer; did not Mr. Barnet say to you, pointing to the other gentlemen who were present, "These are my professional brethren; there are five of us, and we are tolerably strong; we think, therefore, we shall want no assistance, and I have spoken to the Committee, and they do not want any help, and I cannot therefore give you any retainer"?—I do not recollect those words.

4745. Will you take upon you to say those were not the words which were used?—I did not write them down; those I have mentioned, I think, were the words he used to me; as to professional gentlemen, there were not five in the room at the time Mr. Barnet spoke to me on the subject.

4746. You will swear that he did not say, pointing to the gentlemen in the room, "These are my professional brethren; there are five of us"?—He said the professional gentlemen, not pointing to them; there was one gentleman sitting down, and there were two others; there was only three; he never said any number whatever.

4747. Remember, every word you say is invaluable; but in the mean time, will you say whether or not Mr. Barnet did not say, "These are my professional brethren," or "professional gentlemen with me; there are five of us, and we are tolerably strong," or words to that effect?—I do not recollect his mentioning any number; he spoke of professional gentlemen.

4748. Did he say, "These are the professional gentlemen with me"?—Yes, those were the words, as I have said just now.

4749. He did use the words, "These are the professional gentlemen"?—Yes, he stated that he had seen the Finance Committee, and that they had considered that there was sufficient professional gentlemen engaged, and he was very sorry he could not give me a retainer.

4750. Did he say, "There are five of us, and we are tolerably strong"?—I cannot recollect those words.

4751. Will you swear he did not use those words?—I cannot swear that he did not.

4752. Did you not say just now that you could swear he did not use those words, for there were not five in the room?—There were not five.

4753. Then you swear he did not say, "There are five, and we are tolerably strong"?—No, not mentioning the names of five, or the number of five, I am sure.

4754. Did you, upon Mr. Barnet having declined to give you a retainer, say that you did not expect any thing of the kind?—Not to my recollection.

4755. Will you swear you did not say that?—No, I will not.

4756. Did you expect any thing of the kind?—Yes.

4757. Expect what?—A retainer as an agent.

4758. Did you say "I do not expect any thing of the kind"?—No, I do not recollect saying any thing of the kind.

4759. How long is it ago?—I suppose about two months.

4760. Remember you are speaking as to the words which passed on this occasion; you do not remember whether you said so or not; is that your answer?—I do not remember that I said those words.

4761. Do you remember that you did not say them or words to that effect; I am not to be thrown over on a syllable?—I might have said so, but I cannot recollect that I did.

4762. We all know that any one of them might have said so?—A man cannot recollect every word he uses in a conversation.

4763. Can you take upon yourself to say that you have any recollection of the subject one way or the other as to this word?—I say I have no recollection.

4764. Did you go on and say that the election had excited a good deal of interest, and you would willingly stay and see it?—No, that I am sure I did not.

4765. Nor any words to that effect?—No, I would not have said that; when Mr. Barnet was going I suggested to him a plan which he said was a very good

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one, with regard to the division of the place, and he was to let me have the list afterwards.

*Samuel Patch.*

4766. When was this?—I do not know whether it was on the same day, I know it was after the conversation I had with Mr. Barnet.

26 March 1841.

4767. It was after the conversation that you suggested this plan?—I will not be certain whether it was after this conversation or before, that I suggested the plan; he told me that day he would send over the list.

4768. You have told us of only one interview you had with him that day; were you with him a second time?—I stayed there some time; I dare say it was after the conversation I had, when Mr. Barnet gave me the answer with regard to the retainer; it must have been, for I stayed there a long while, and had a glass of wine and a sandwich.

4769. Then is that the conversation which took place afterwards?—I do not know that I did not suggest that the first night.

4770. You first of all put it one day, and when that does not suit, you put it back to another?—I know I spoke of it that day; but I might have suggested it before; I had a long conversation with Mr. Barnet the first time I was with him; I cannot say all that passed.

4771. Will you venture to say that a suggestion of that kind was made in the first conversation?—No, I will not venture to say that it was made in the first conversation.

4772. I ask you again, did you not say you would willingly stay and see the election, or words to that effect?—I might have said so.

4773. Are not those the words you just now told me you had not used?—No, I have not.

4774. Have you any doubt you did use those words?—I do not think I did, I mean to say, at that time.

4775. I will take it any way, only condescend one way or another; which is your present inclination, to say that you did say it, or that you did not say it?—As for every word, I might have said it, though, of course, I cannot recollect every thing.

4776. Did you say those words or words to that effect, or did you not; you have said it both ways, now I wish to know the last time?—I did not understand the last question; I did not know you were referring to that day; I might have said it at another time.

4777. Did you say you would willingly stay and see the election, or words to that effect?—I might have said so to any other person.

4778. Did you say so to Mr. Barnet?—I do not think I ever said so to Mr. Barnet.

4779. Will you swear you did not?—It is impossible for me to say.

4780. Did you say you had brought your lady down for a trip?—I might have said that.

4781. Did you?—She came down with me, that is certain.

4782. That is not the question; did you say at this interview with Mr. Barnet that you would willingly stay to see the election; that you had brought your lady down for a trip, or words to that effect?—I might have said so.

4783. Did you or not; you had forgotten that conversation till your memory was recalled to it by me; come, out with it?—I do not know that I did say so; I have no recollection that I said I had brought my lady down for a trip; you ask me to swear a thing I am not certain of, and I will not.

4784. Did you to the best of your recollection, or did you not, say those words, or words to that effect, to Mr. Barnet?—I have no recollection of any thing of the kind.

4785. Will you undertake to swear you did not?—I will not.

4786. Were they words you might have said or not?—That is the way you are for drawing me in again.

4787. Are you not certain whether you did or not?—I am not certain whether I did or did not.

4788. Did you ever give a reason for having brought your wife to any person at Walsall?—Not that I am aware of.

4789. Did you ever give any reason to Mr. Busst for your having brought your wife down?—No, not that I am aware of.

4790. Did you ever say to a person, no matter whom, at Walsall, that you had

*Samuel Patch.*

26 March 1841.

had brought your wife down for the purpose of bribing, or words to that effect?—No.

4791. That you swear?—I am certain I did not.

4792. Because those things were conveniently done by a female or a woman?—No, I am sure I did not.

4793. That you swear?—Yes, I do.

4794. Did you ever say that to Marlow or to Marlow's wife?—No.

4795. Nor to any other person?—No.

4796. Did you go back to the Turk's Head after this conversation with Mr. Barnet?—I think I did; I do not know whether I went back immediately; I think I met Mr. Wilkins, and had a walk with him.

4797. Is Mr. Wilkins an acquaintance of yours?—I met him here in London on one occasion.

4798. About some Election Committee?—Yes.

4799. The Wigan Election?—Yes.

4800. Did you tell Mr. Wilkins you were sent down to Walsall by the Carlton Club, with unlimited funds?—No.

4801. Nor any words to that effect?—No, nor any words to that effect.

4802. Did you ever apply to Mr. Barnet for a list of doubtful voters during the time you were at Walsall?—That was what I was going to tell you just now, that I spoke to him with regard to making out a list.

4803. Will you give me an answer first, and the explanation afterwards?—I did apply.

4804. Did Mr. Barnet ever give you that list?—No, I had no list from him.

4805. Did you apply once or repeatedly to Mr. Barnet for a list of doubtful voters?—I asked him to give me a list in the way in which he divided the town, so that they might make arrangements in their committees for so many parties to look after the doubtful voters, and also those of the neutrals.

4806. Did you apply repeatedly to Mr. Barnet for such a list?—No; I suggested to have the list, and Mr. Barnet said I should have it; I think I asked him when that list should come.

4807. Did he ever send it you?—No.

4808. Did you ever blame him for not having given it to you, after the election was over?—No, I did not say any thing to him about it.

4809. Did you ever find fault with him for not having given you the list of doubtful men before the election was over, for that if he had, the majority would have been larger, or words to that effect?—No, I did not.

4810. I think you told us that the hour at which you took Marlow to the New Inn, or saw Mr. Barnet to tell him you had got Marlow at the New Inn, was 11 o'clock?—I will not be quite certain; it must have been about 11.

4811. Was that the time you saw Mr. Barnet to tell him you had Marlow locked up at the inn?—I saw Marlow first at the George Inn; I did not know Marlow was the name till it was given to me by Mr. Barnet, in the George Inn; Mr. Jesson said "Here is Marlow."

4812. Where was this?—At the George Inn.

4813. In what room?—In the new room they had gone into, not in the assembly-room.

4814. Was it in No. 10?—No; No. 10 is a small room; it was in the new room at the inn.

4815. In what room was this?—I think you went along the passage leading from the small room; I could find out the room if I was in the house.

4816. Do you know the number of the room?—No, I do not know that I looked at the number.

4817. There are numbers on all the rooms, are there not?—Yes.

4818. Were you up-stairs?—It was up-stairs.

4819. Was it on the same floor as No. 10?—Yes.

4820. Was it in the same passage as No. 10?—No, it was not in the same passage.

4821. In this room you saw Mr. Barnet?—When I went, there was Mr. Jesson and Marlow and Mr. Barnet.

4822. What took you into the room?—I went there to see Mr. Barnet, to tell him with regard to Nightingale, or to ask him the question if he had been there.

4823. Did

*Samuel Patch.*

26 March 1841.

4823. Did you ask Mr. Barnet whether Nightingale had been there?—I did; I asked him whether he had seen him.

4824. Whom do you mean?—Nightingale.

4825. This was at 11 o'clock on the morning of the nomination?—Yes.

4826. Who was in the room when you went in?—Jesson and Marlow and Mr. Barnet; the other gentlemen were gone up to the nomination.

4827. Marlow was there?—Yes.

4828. What passed between you and Mr. Barnet then?—I merely asked him when I went in, "Have you seen Nightingale?" he said "No, I have not seen him, but I have given him a ticket for him to go on the hustings;" Mr. Jesson said, "Here is Marlow going, there must be somebody to take care of him;" and Mr. Barnet said, "Here is Mr. Patch will take care of him, and take him to the New Inn."

4829. Was Marlow within reach when this was said?—No.

4830. Was he sober at the time?—Yes, he was sober then.

4831. Then at eleven o'clock you took him?—Yes.

4832. You took him to the New Inn and locked him up?—I took him over first, and then I thought I had better go back for further directions.

4833. Did you lock him up?—No, I did not the first time; I thought I had better go back to see Mr. Barnet, to know what was to be done, for he said at first he would not stop there for any body, and he came out, and then he was got back again; Mr. Barnet said, "You had better take care of him, and any others I may send over." I said, "What shall I give them?"

4834. When you got Marlow over there he would not stay?—Not at first.

4835. Therefore you left him?—I left him in the care of a person who was there, but he got away from him.

4836. Who was the person in whose care you left him?—It was a person that was there, but I did not know him; he said, "I am directed to remain here;" he was a waiter employed for the day, I believe.

4837. Did you leave him in the hands of the waiter?—He was not a regular waiter; he was merely to wait on that room.

4838. Did you leave him in the hands of a man employed as a waiter in that room on that day?—Yes.

4839. What was that man's name?—I do not know his name; but he got away from him and got out, and when I was talking to Mr. Barnet, he said, "There is Marlow out again."

4840. You went over and asked Mr. Barnet what you were to do?—Yes, I did.

4841. That is interview the second on that day?—Yes.

4842. Who was in the room with Mr. Barnet?—I do not think there was any body but Mr. Jesson.

4843. Mr. Jesson was there?—Yes, he was present, for I called Mr. Barnet up to the door.

4844. Do you mean to say that the conversation passed so as not to be heard by Mr. Jesson?—I do not think Mr. Jesson heard it.

4845. But you called Mr. Barnet to the door?—Yes.

4846. That Mr. Jesson must have heard?—Whether Mr. Jesson was sitting down or looking out at the window I cannot say.

4847. Must Mr. Jesson have seen it?—Yes, he must have seen me in the room.

4848. Must he have seen you talking to Mr. Barnet at the door at the time when he was in the room with you?—Of course he could have seen me speaking to him.

4849. You say Mr. Barnet directed you to take Marlow back, or to go back to him?—I say this; that I said, "Here is Marlow out again." I think Mr. Jesson was looking out of window, and said, "Here is Marlow again." I said I had left him with a person who would not allow him to go out. I said then, "What am I to do with him; he is a singular sort of man?" and Mr. Barnet said he left me to my own discretion, to give him what I pleased, and there would be others sent over to me. I never went out of the house after that.

4850. What room was that in?—The same room I am speaking of, that I named before.

4851. Let us know more about this room; it is not the assembly-room?—No.

4852. It is not No. 10?—No.

*Samuel Patch.*

26 March 1841.

4853. But it is another room on the same floor?—Yes.

4854. Can you tell me how many doors there are between that and the door of No. 10?—I think you go round a passage away from No. 10 to it, but I cannot tell, because there are two staircases you may go up.

4855. Was that what they call the dining-room?—I do not know, for I never dined there.

4856. You say it was a large room?—Yes, it was.

4857. How large?—A great number could dine there; no doubt it might be called a dining-room.

4858. Can you give us any notion of the length of the room?—It might be long as this, or longer, probably.

4859. Do you mean from the fire-place to the window?—Yes.

4860. Not as broad, is it?—No, I do not think it is.

4861. Can you say it is as long, or longer?—It as long, I should say.

4862. Where was Marlow?—Just inside the door.

4863. I speak of the second time?—I know Mr. Jesson said he was out; he said, "You have let Marlow go." I heard those expressions made use of, then I immediately left.

4864. Where did you find Marlow?—When I got back to the inn I found he had returned with some man.

4865. Do you mean to say you never saw Marlow out?—I never saw him out.

4866. Do you remember what were the words Mr. Jesson used when he looked out of the window?—No, I do not; I recollect he said Marlow was out, but I do not recollect more particularly.

4867. Did he say that he was out in the square or street, or any thing of that sort?—No, for I do not know which way this window looks, whether into the square or the street.

4868. You do not recollect whether the window looked into the square or the yard, probably?—No, I do not.

4869. You say you ordered some wine?—Yes.

4870. How much?—Two bottles; that is, I ordered one up at first; I ordered two bottles of my own ordering, that was all I ordered.

4871. You ordered one first and one afterwards?—Yes.

4872. How long after the first would the second come; you would not be long in disposing of one?—No.

4873. How long?—I should say in about half an hour, or less.

4874. In about half an hour you ordered the second bottle?—Yes.

4875. Was that all you ordered?—Yes.

4876. That is all you ordered?—Yes.

4877. During that day or night?—I might have ordered something else in the evening probably, but not in the first commencement.

4878. You did in the course of the evening order a great deal more?—I might below, but not in the room, for the parties asked for what they wanted, and it was brought to them.

4879. Did you in the course of that day and night order more?—Yes, there is no doubt about that.

4880. A great deal more, did not you?—Why, yes, I might.

4881. Did you or did you not?—I did not order a very great deal myself, I know.

4882. I mean for the parties who were in this room with you?—Yes, in the evening.

4883. In this room where you presided?—I did not preside, Mr. Dixon presided.

4884. Well, at all events, you were the presiding deity, were not you; you managed the things?—Yes.

4885. You were managing the room?—Yes, I had the keys of the room.

4886. You had them in your pocket?—I had the keys of the lower doors in my pocket; there were two doors in the room.

4887. Do you mean to say one door was locked and the other was open?—The door going out into the yard was locked.

4888. Did you not order the liquor in this room?—Yes, until other parties came, until Busst came, then he ordered.

4889. You ordered only two bottles?—Not at the commencement, I did not.

4890. Where did you see the others you talk of, who had things?—You go direct

*Samuel Patch.*

96 March 1841.

direct into the kitchen ; there were a great many voters there, and no doubt they ordered a good many things down there.

4891. Did you order any more in that room ?—I do not know whether I ordered ; I ordered something to eat in that room, but I do not know, with regard to drink, whether I did or did not.

4892. Did you order more than the two bottles you have now spoken of in that room ?—Not in the inner room, I know.

4893. Did you in the outer room ?—Yes, I am certain I did, but not in the inner room.

4894. How came you to order in the outer room, if you did not in the inner room ?—If a party came to me and said “ I want something to drink, am I to have it ? ” I said “ Yes,” then the waiter brought it up.

4895. You have given us an account yesterday that you only called for a single bottle of wine, and did not call for any thing afterwards ?—Yes ; at the time I took Marlow in first, I only ordered one bottle of wine.

4896. Did not you say this, “ I called for a bottle of wine when I first went in ; that was supplied ; I never called for any thing else afterwards ” ?—I was speaking as to the room where Marlow was.

4897. Now we have got a second bottle of wine in the room ?—I do not know that I saw the waiter in that room when I first went in ; I ordered a bottle of wine on the waiter’s coming.

4898. You have told us you ordered another bottle in half an hour afterwards ?—That was ordered in another part of the house, it was not ordered in that room ; I told him to take up another bottle.

4899. Where to ?—To that room.

4900. Do you mean to say you did not order it for that room ?—No, for the reporters, who took a share of that second bottle, were out in the other room, because they could not write in that room.

4901. Do you mean to swear that, because you ordered a second bottle, and part of that was drunk by the reporters, you meant that yesterday when you swore “ I called for a bottle of wine when I first went in ; that was supplied ; I never called for any thing else afterwards ” ?—Not in that room ; I believe that there was more, but I was asked what I ordered ; I am not quite certain as to the quantity I ordered, but I know my orders were very limited indeed ; the people called for what they wanted, and they had it ; it was not by my order ; whatever they wanted they called for.

4902. You were asked “ How many voters had you in the room in the evening ? ” you answered, “ I dare say I had 20 or 30, or there might be more.” “ Did you supply them with whatever they wanted ? ” you say, “ I called for a bottle of wine when I first went in ; that was supplied ; I never called for any thing else afterwards ; they called for what they wished ” ?—In the evening I never called for a single thing, with the exception of what I paid myself, that was for two or three females who came for parties ; I said they could not see the parties ; and I asked them what they would have, and I paid for that myself.

4903. Did not the second bottle you have referred to go into that room ?—I will not be quite certain whether it went into the inner room or the outer room, for the doors were closed.

4904. You ordered it as soon as the first was exhausted ?—Marlow drank the first bottle himself ; I do not think the reporters touched that.

4905. You have told me you ordered the second bottle when the first was exhausted ; did you or not tell me that you ordered the second bottle when the first was exhausted ?—Yes, I dare say I did say so.

4906. Did you not say that was in about half an hour ?—I dare say he was half an hour finishing it.

4907. Have you or not said, that you ordered the second bottle to supply the place of the empty bottle ?—Yes ; but then Mr. Marlow called for brandy and water, and had it ; therefore as he was the only person at that time in the room, the reporters had this other bottle ; I did not order it for him.

4908. Did you order that for the reporters ?—I did.

4909. Were the reporters in the same room with you and Marlow ?—At first they were, but they went out.

4910. In which room was that ?—In the inner room.

4911. When did they go out ?—They went out because Marlow kicked up such a noise,

*Samuel Patch.*

a noise, they could not write; he kept talking, and they went out into the outer room.

26 March 1841.

4912. Was that the same time when you took Marlow there?—They were in that room when I first took him there.

4913. Do you happen to know what they were writing?—Yes, they were writing an account of Mr. Gladstone's speech; I am not quite sure whether it was Mr. Gladstone's; but these persons went to the inn, and wrote a certain portion to send up for the evening papers.

4914. They were reporting the proceedings?—They were writing out the previous part of the meeting; there were parties up at the hustings sending down, and the other parties were there writing it out.

4915. This was before the proceedings at the nomination were over, then?—Yes.

4916. Were they reporters for the London papers?—Yes; but not sent down from London, I think.

4917. You ordered this bottle of wine for them?—I did; it was by their direction; they were so very cold; I was going down-stairs; they said, "As you are going down-stairs, will you order a bottle of wine for us?"

4918. You ordered it for them?—Yes.

4919. Did you ask them to put in any paragraph into their report—"The greatest credit is due to Mr. Patch for the extreme ability which he manifested throughout the whole contest, and for the zealous indefatigability with which he furthered the interests of the Conservative party; the result of the contest has proved most triumphant, but the conflict itself has been severe in the extreme; so determined has been the radical party, that not only have individuals personified dead voters, but every species of intimidation, bribery and violence has been exercised. The military remain in the town, and the effect has hitherto been the preservation of the peace." Did you get the reporters to put in that paragraph about Mr. Patch?—I take my solemn oath I did not.

4920. But you gave them a bottle of wine?—Yes, but they paid for their own wine.

4921. Were there any other persons in Walsall you applied to, as being empowered to give you a retainer?—No.

4922. You never applied to anybody?—What do you mean by anybody? I have spoken to the friends of the party.

4923. What do you mean by the friends of the party?—I have spoken to the friends of Mr. Gladstone.

4924. You never spoke to Mr. Gladstone?—No, not during the election.

4925. In the evening you say you gave very limited orders?—I had the people helped; I do not know that I ordered but very little; there were Wood's friends, he asked me whether he should not have something to eat; I spoke to the party.

4926. What party?—I spoke to Kilner's party.

4927. Whom do you mean by Kilner's party?—The persons employed; the cook, for instance, whether they could not let those men have something to eat; they were going on during the whole of the night.

4928. Were you not in the bar of that inn almost the whole of that night giving orders for drink?—No, I was not in the bar, nor continually giving orders the whole of the night.

4929. Were you in the room that night giving profuse orders for drink?—No.

4930. We may differ about profuse; did you not order very considerable quantities of drink in the course of that night?—No, I did not considerable quantities; they came from the long room and said, "There is more wanted up-stairs;" I might say the parties up-stairs wanted more to drink; I might say "They want more," but it was not by my order it was given.

4931. Did you, to a great extent in the course of the night, give this gentle hint, that liquor was wanted up-stairs?—I might, probably, on one or two occasions, but I do not know that I did more. I might have said so, perhaps, three times, but I do not think I did more, unless it was what I paid for.

4932. Will you take upon yourself to swear you did not more than twice in the course of that evening and night give any orders for wine to go up-stairs, or liquors of that kind?—They did not want any orders; there was plenty in the outer room that would be taken in when it was wanted.

4933. I am asking you whether you did not, a vast number of times more than

han twice, desire liquor to be taken up-stairs to the parties in the room above stairs?—I tell you I am certain I did, more than three times.

4934. What quantity?—That I cannot say, as to the amount.

4935. Was it three dozen or not?—No.

4936. Was it three bottles?—Probably it was; there was a bottle of brandy, I think; I gave an order for that; I think there was a bottle sent up.

4937. Will you swear that all your orders and directions fell under half a dozen in any part of the house that night?—Yes, I am sure of that.

4938. You say you never saw Mr. Gladstone?—I never said I did not see him; I did not speak to him.

4939. Did you ever go to him?—Not since the election.

4940. Before the election?—I went into his room the night before the election.

4941. Did you go to him?—Yes.

4942. In his room?—Yes.

4943. The night before the election?—Yes; there was a gentleman there.

4944. Had you spoken to Mr. Gladstone before that time?—No.

4945. Did you know Mr. Gladstone to speak to him before that time; had you ever been introduced to him?—No.

4946. You never were in a room with him?—Yes; because I saw him in the assembly-room addressing the people.

4947. You had never been in a room with him except in the general room belonging to the party?—No.

4948. Did you see any person in that room with Mr. Gladstone when you went there?—Yes.

4949. Do you know who that gentleman was?—No; he was some gentleman of Liverpool, I understood, for he came up with me in the same train.

4950. Did you happen to know that it was a Mr. Grant of Liverpool?—I do not know his name, but he came up by the same train in which I was, when I came from Manchester.

4951. You say you had heard Mr. Gladstone addressing the electors in the assembly-room; when was that?—It was on the Thursday night prior to the election.

4952. Was that the only occasion when he addressed them?—That I heard; I heard him on the day of the election, and after the election.

4953. In that room?—Yes.

4954. You heard him speak on the Thursday evening, was it?—Yes.

4955. And on the Tuesday evening after the election?—Yes, just at the close of the poll.

4956. When you went to him to his private room, the night before the election, you saw this gentleman from Liverpool with him?—Yes.

4957. For what purpose did you go to Mr. Gladstone on that occasion?—I went to say, I think, that some of the Committee were not attentive to their duty, and I went after hearing that several parties had come to say there was bribery going on to a very great extent on the part of Mr. Smith.

4958. Did you go to endeavour to put a stop to that?—I said, I thought if that was the case, they would get a great many doubtful voters, and it was proper that something should be done, that they should be looked after, or words to that effect.

4959. When you went in, what became of Mr. Gladstone?—He went out of the room in a moment.

4960. This other gentleman remained in the room?—Yes.

4961. You then proceeded to tell your story to the other gentleman?—Yes.

4962. Did you say they were giving, as I understand you, money largely on the other side; was that what you said?—Yes, I said I had heard so.

4963. Of course I do not mean to say that your saying so is any evidence of the fact, God forbid! but did you proceed to say that the same thing must be done on this side?—I might have said so.

4964. Did you say so?—I do not recollect that I did say so, but I said "Something must be done."

4965. Do you mean to say you consider bribery so trivial a thing, that you cannot remember whether you suggested the necessity of its being committed on the part of Mr. Gladstone?—I said, "Something must be done."



*Samuel Patch.*

26 March 1841.

4966. What did you mean by that?—That more attention must be paid ; and he said he would go and speak to Mr. Barnet on the subject I complained of, the inattention of the parties.

4967. Do you mean to say you did not suggest the necessity of bribery being made use of on the part of Mr. Gladstone, because it was made use of on the other side?—No, I did not use the word bribery ; Marlow said, " I can get 15% on the other side ; and," he said, " money is an object to me."

4968. Did you or did you not say to this gentleman who remained in the room, Mr. Gladstone quitting it to go to Mr. Barnet, that something must be done, that the same thing must be done on the side of Mr. Gladstone that was done by them, and that 500% spent judiciously would secure the election, or words to that effect?—I will swear I never said so.

4969. Or words to that effect?—No ; I said something must be done, but I named no sum of the kind.

4970. Did not you mean by something being done, that money was to be given to the voters?—No, I did not.

4971. You made use of no such terms as those I have repeated?—No.

4972. Did the gentleman who was in the room make any reply to your proposal?—When I told him the committee were not attending to the doubtful voters, for I saw them drunk in those rooms, that the money was going about, and if they neglected those voters, something must be done by other parties to keep the voters together——

4973. The question was, what this gentleman said to you?—He said he would go to Mr. Barnet.

4974. What did he say to you ; did he show you out of the room?—No, he did not.

4975. That you will swear?—Yes, that I will swear.

4976. You will swear you did not say that money was giving largely on the other side, and that he must do the same, or that now was the time, and that 500% spent judiciously would secure the election?—No.

4977. Or any thing about money being given to the voters?—No.

4978. And that you were not turned out of the room?—No.

4979. Did you go to Mr. Barnet on the afternoon of the day of the election?—Yes.

4980. At what o'clock?—I should say as early as 11 o'clock.

4981. That was not in the afternoon?—I might have seen Mr. Barnet in the afternoon of the election.

4982. Did you not go to him?—I do not know that I went expressly to him, but I was taking voters up to the poll, and after that I went out in the town after voters.

4983. At what time?—I should say about two o'clock ; I went to different parts with chaises about the town in the course of the day.

4984. Did you see Mr. Barnet, and have any conversation with him on the afternoon of the day of the election?—I do not recollect any conversation on the afternoon of the day of the election.

4985. You will not undertake to say there was none?—No, but I do not recollect having seen Mr. Barnet.

4986. Did you say at any period of the afternoon of the day of the election to Mr. Barnet, that it was time to do something, that the other party were getting ahead, and unless some money was paid they would not succeed?—No, I will swear that I did not.

4987. Or words to that effect?—No, nothing of the kind.

4988. Will you swear you had not any conversation with Mr. Barnet on the afternoon of the election?—It was about two o'clock I left the town ; they were then considerably ahead, and it was not likely I should say any thing of that kind then.

4989. Did you or not?—I will swear I did not.

4990. Had you any conversation with Mr. Barnet in the afternoon?—I had no conversation with Mr. Barnet after he gave me the state of the poll, until the election was over.

4991. When was that?—That was between 11 and 12 o'clock ; he was striking the votes as they came in ; I never called him away from his business ; he was striking them off in the register ; I am quite certain I did not.

4992. Did you have any conversation upon the subject of the election with Mr.

Mr. Barnet on the election day while the polling was going on?—Nothing more than asking him for the returns.

*Samuel Patch.*

26 March 1841.

4993. That was between 11 and 12 o'clock?—Yes; I never saw him again till the election was over, and I did not know what the state of the poll was at that time, for it was not given out every half hour as it is at some places.

4994. You did not make any such remark as that I read to you, that the other party were getting ahead, and that unless they paid some money they would not succeed?—I did not, that I swear.

4995. You swear that Mr. Barnet did not answer that he would do nothing of the kind?—I am certain he did not to me.

4996. You seem to stick about one part, the getting ahead; did you say that the majority for Mr. Gladstone was being cut down, or any words to that effect?—No, I could not, for I did not know the state of the poll after half-past 11 o'clock; then he had 111 majority.

4997. Had you any particular reason for your wife coming down; what was your reason for taking your wife to the election?—I took Mrs. Patch down; she was not well, and she thought a little country air would do her good, and besides that she wished to visit a person at Birmingham.

4998. A little election air?—No.

4999. However, she was not well, and therefore you took her down to Walsall?—Yes.

5000. Did you ever speak to any person in the town about the necessity of giving money to the voters?—No.

5001. You hate that sort of thing; you have a perfect horror of bribery, have not you?—Probably you had better ask your own party.

5002. Have you or not?—I do not know that I have any right to answer that question; I should be very glad to see it quite done away.

5003. I do not know whether you are bound to answer that question; you are bound to answer no question that may criminate yourself; did you commit any bribery at the election?—No, I did not.

5004. What became of you after the election?—I staid in Walsall two or three days.

5005. Was that as being employed in any way, or as an amusement?—It was not much amusement; when I was told my expenses would be paid to me to Manchester and back, I waited to receive what I had paid out of my own pocket, but the parties were not very liberal in coming forward, and promising money and never paying it.

5006. You were very ill used?—Yes, I consider that I was very ill used on the day of election; I was knocked down and kicked.

5007. You were ill used in not having the money?—Of course, when a person said, "You will pay the expenses, and I will repay them to you on your return," and he does not do it.

5008. Did Mr. Brookes say he would pay your expenses?—Certainly.

5009. Did you wait in Walsall for the expenses of the journey to Manchester?—Yes.

5010. Was that all you waited for?—I spoke to Mr. Barnet, as he was aware I was engaged; I merely asked him for my expenses, that was all.

5011. Did you stay at Walsall in order to get your expenses paid?—I did.

5012. You say you paid money out of your own pocket to go to Manchester?—Yes.

5013. Do you mean to say you did not get the money in Walsall?—No.

5014. Did you have to borrow it?—I borrowed some, that was 1*l.* 16*s.*, because it was Saturday night, or, I dare say, I should have had the cash from Mr. Brookes, but it was late at night before I went, and indeed before it was suggested.

5015. One pound sixteen shillings would be about the fare to go and come back?—No, not with the expenses there and the bringing the man back; it cost me more than 4*l.*

5016. That was the expense of your journey, 4*l.* or 5*l.*?—Four or five pounds; it cost me a great deal in Manchester to find the man; he had left his residence; it was not easy at seven o'clock in the morning to find a man, and return the same night.

5017. Did you apply after the election for the payment of your expenses?—

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Samuel Patch.

26 March 1841.

applied to Mr. Brookes on the morning of the nomination, and he said you will apply to Mr. Barnet for it.

5018. Did you, after the election, apply for the expenses of this journey?—Yes, I applied to him; I considered it an engagement when he sent me to the New Inn.

5019. Did you apply to him for the expenses of the journey to Manchester and back?—I did.

5020. You say the reason why he was bound to pay you for that journey on the Saturday was, that he engaged you and sent you to the inn?—I was referred by Mr. Brookes to Mr. Barnet.

5021. What was the amount of your expenses on your journey to Manchester?—It was about 5 l.

5022. What was the amount you eventually received?—At last, that was after a long application, Mr. Kilner told me, after he had been to Mr. Barnet——

5023. I do not want to know what you were told, but what you received; what passed with other persons is not evidence. What is the amount of money you eventually received?—Four pounds.

5024. Is that all you ever got?—Yes.

5025. Your expenses to Manchester alone being 5 l., you say?—Yes.

5026. Did you write to Mr. Barnet a letter, calling upon him to pay after the election?—Yes.

5027. Will you look at that letter and state if that is the letter you wrote to Mr. Barnet after the election [*a letter being shown to the witness*]; you can tell me without reading the letter?—May I not be allowed to read it?

5028. No; look at it, and state whether you wrote that letter on the day it bears date?—Yes, I did.

5029. You wrote to him that letter on the 5th of February?—I did.

5030. Did you not write another letter to Mr. Barnet the same evening?—I am not certain whether it was the same evening or the next morning.

5031. Look at that—"Turk's Head, February 5th, 6 o'clock." Was that a letter you sent bearing that date [*the same being shown to the witness*]?—Yes.

5032. What do you mean by looking at it, you were told not to do so?—I was looking at the letter to see whether it was my letter.

5033. Is that your signature—I will trouble you not to refresh your memory with the contents of the letter—is that your signature [*another letter being shown to the witness*]?—Yes.

5034. That is dated February 6th?—Saturday morning.

5035. Did you receive an answer to those two letters you wrote on the 5th of February?—I received an answer to one, I know.

5036. Did you receive any answer until after the second was written?—I think you will find one of those letters was in answer to one I received from Mr. Barnet.

5037. That is the letter of the 6th; did you not write first one letter and then another on the 5th before you received any answer to the first?—I think I did.

5038. Have you any doubt about that?—No, I do not think I have.

5039. You have no doubt you wrote the second letter before you got an answer to the first?—No.

5040. Did you get an answer to the second?—I did.

5041. Who has got it—have you got it?—I have not it.

5042. Who has got it?—I think Lates has got it.

5043. You have not given it to any body else?—No.

5044. Who is Lates; is he the landlord of the Turk's Head?—Yes.

5045. When did you give it him?—I think I gave it him on the Saturday before I left.

5046. Did you give it him?—Mr. Kilner went down to guarantee my entertainment, as he said, by Mr. Barnet's direction; he came to give him his own guarantee; Mr. Lates said, "I do not exactly like his guarantee;" I said, "Well, there is this letter from Mr. Barnet."

5047. Did you write again to Mr. Barnet after you had got that answer?—Yes, I wrote again on the Saturday morning, not after I had given that to Lates.

5048. You gave the letter to Lates, giving a guarantee that your bill with him should be paid?—Yes.

After receiving that guarantee, you wrote again to Mr. Barnet on the

the Saturday morning?—Yes, I did; I wrote to him on the Saturday morning decidedly.

*Samuel Patch.*

26 March 1841.

5050. That was after you had got his answer to your former letters?—Yes.

5051. Have you ever written to Mr. Barnet since that time?—Yes, once.

5052. When was that?—I can see the date because I have got a copy of it, March the 15th.

5053. Is that the letter you wrote to him [*a letter being shown to the witness*] ?—Yes, that is my signature.

5054. Have you ever had any answer at all to it?—No.

5055. Had you any conversation with Mr. Barnet on the subject to which that letter relates, since it was written?—Yes.

5056. Where was it?—Here in the lobby—in the passage.

5057. Will you state what Mr. Barnet said to you on that occasion, as the reason of not answering your letter of the 15th?—He stated that the reason he did not answer my letter was, because he must write about other things which he did not want to have brought forward, which he would explain to me; he said he expected to see me up in the House; he made an appointment to meet me in the lobby; but I did not come.

5058. When was this?—I think it was on the first day of the meeting of this Committee.

5059. On Wednesday the day before yesterday?—Yes.

5060. Will you swear Mr. Barnet did not tell you that that letter had not been answered “because there was no earthly necessity for you to go out of the way on our account, for you could give no evidence to hurt us,” or words to that effect?—That was afterwards; he said that after I first spoke to him.

5061. He said that?—He said words to that effect.

5062. That there was no earthly necessity for you to go out of the way on our account, as you could give no evidence to hurt us?—Yes.

5063. Did you not reply to that, “O no, certainly not?”—No.

5064. Or words to that effect?—I do not remember giving any answer to that.

5065. Though it was only the day before yesterday?—I did not state that.

5066. Did you make an answer to that?—I never stated what you have stated.

5067. Did you make an answer to that or not?—I gave him an answer to that, no doubt.

5068. Did you give him one?—I said “Very well,” or something to that effect.

5069. You said “Very well,” or “No, certainly not?”—Yes.

5070. But he did say that which I have read to you?—Yes.

[*The following letter was read :*]

“Dear Sir,

“Turk’s Head, Walsall, 5 Feb. 1841—Friday.

“I MUST confess I was much surprised at the contents of your note of this morning, knowing well I came down to render you assistance, which I have done to the utmost, and spent my money by order of your party, and now to be kept here for want of the needful to pay my bill and money to take me home; had I been aware, I should most certainly have written to town, but not supposing for a moment but what I had gentlemen to deal with, I did not do so; I most candidly tell you I will not be trifled with, for I think it too bad to be kept from my business, which, at the present moment, is of the greatest consequence to me; and I can only say, that on Monday morning I have to see several gentlemen respecting Private Bills, three of which I want to be presented on that day; therefore, I beg of you to lend me £.20 until Monday, and I will remit it to you on that day; I would not trouble you, but it is of the greatest consequence I should be in London to-morrow, Saturday. Do not fail in obliging me. An answer by return by bearer, will oblige

“Yours truly,  
“S. Patch.”

“H. Barnet, Esq.”

Mr. Cockburn objected to the reading of further letters, as being no evidence, unless they were used for the purpose of contradicting the witness.

Mr. Serjeant Wrangham was heard in support of the production of the letters, and submitted that no objection could possibly be made after the letter of Mr. Barnet, in answer to one of those letters, had been put in by the counsel for the petitioner in the early part of the day.

Mr. Cockburn submitted that the production of these letters was at all events premature; that if the purpose of producing the letters was to contradict

Samuel Patch.

26 March 1841.

contradict the witness, the counsel on the other side was entitled to prove them by the witness; but that if he read them, it must be in support of his own case; that the letters of Mr. Barnet were clearly evidence, Mr. Barnet being an agent; but that the letters of the witness could be read only by way of contradicting the witness.

The Committee-room was cleared.

After a short time the counsel and parties were called in, and informed that the Committee had determined that the letters may now be put in and read.

[The following letters were read:]

"Turk's Head, Friday Evening, February 5th, 1841, 6 o'clock.

"Dear Sir,

"You must be aware that I am very anxious to hear from you, as I understood I was to have had an answer in a quarter of an hour, which is now two hours since. *It is really of the greatest consequence to me to get back to town*, and if I do not get away to-night, I do not know the injury it may do me in my profession. Under those circumstances, I do trust you will be so obliging as to accommodate me. Do oblige me with an immediate answer.

"H. Barnet, Esq."

"Yours truly,  
"S. D. Patch."

"Sir,

"Saturday Morning, February 6th, 1841.

"WHEN I wrote the note to you yesterday, I was informed Mr. Brookes was at your house, and I thought, by my writing in the way I did, you would have spoken to him about the money I had paid out of my pocket by his direction. I am sorry I should have given you any offence; but being left here in such a very unpleasant manner, no doubt I wrote in the heat of the moment, for of course I would, had the money been lent me as I wanted. I should be most happy to return it immediately on my arrival in London. I have the bill at the inn, and I should feel obliged by an interview, and I think I shall be able to explain to your satisfaction.

"Your obedient servant,  
"S. Patch."

"Dear Sir,

"20, Parliament-street, March 15th, 1841.

"I UNDERSTAND from the House of Commons, this morning, that the whole of the election petitions are likely to go on, and that Speaker's warrants was issued in the Walsall last week. It appears that one of Mr. Coppock's clerks has twice called at my office this morning, and I suppose it is to serve me with a summons to attend the Committee. I particularly wish your advice in this matter, as I was at Kilners the whole of nomination day and night with the doubtful voters, by your desire, if it would not be as well for me to go out of town, to avoid being served. An answer by return of post will oblige,

"For H. Barnet, Esq., Solicitor, Walsall."

"Yours truly,  
"S. D. Patch."

5071. Have you ever applied to Mr. Gladstone, since the election, to be employed upon this petition?—I did.

5072. When was that?—I think it was very shortly after the petition was presented; I do not recollect the time.

5073. Where did you apply to Mr. Gladstone to be employed?—At his house.

5074. Where was that?—In Carlton Gardens.

5075. Did you see Mr. Gladstone?—I did.

5076. In what capacity did you ask to be employed?—In the way I have been generally employed, to look after the witnesses, to attend to the petition as an agent.

5077. Is that the way you have usually been employed, in looking after the witnesses?—Yes, and attending to the Committee.

5078. Will you explain what you mean by looking after the witnesses and attending to the Committee?—When witnesses are brought up to town, they require, I suppose, to be looked after; I believe you are aware of that, because I have been employed when you have been engaged; you know you were very glad to get information from them.

5079. I dare say you may. You may depend upon it you never will be again. You say that you and I have been together in some cases?—Yes.

5080. Only I was engaged in examining them, and you in looking after them; is that so?—Yes.

5081. What

*Samuel Patch.*

26 March 1841.

5081. What do you mean by looking after a witness; it is a phrase which requires explanation?—Taking care of them in town, and preventing their connecting themselves one party with another; keeping them apart, preventing the two parties mixing together.

5082. Do you get a key and lock them up?—No.

5083. How do you prevent the two streams mingling, if they happen to flow together at all?—To prevent their speaking to what evidence they are going to give before the Committee.

5084. Is it to prevent that evidence that you look after them, do you say?—No, it is not to prevent their giving their evidence before the Committee, but to prevent their being connected together in that way that they may tell each other what they are coming to prove.

5085. To keep the secret, in short?—Yes.

5086. That is your usual employment in Parliamentary Committees, is it?—Yes.

5087. That is what you call being a parliamentary agent?—I did not say I was a parliamentary agent.

5088. Was it in the course of your profession that you went to meet the witnesses at Euston-square; is that part of looking after the witnesses?—No; I went because I knew there were parties coming up from Walsall.

5089. Is it part of your profession, as a looker-after witnesses, to go and receive them on their arrival at the railway?—It is, on some occasions.

5090. Was it so on that occasion?—No, for I was not employed.

5091. You merely went as an amateur, not as being professionally engaged?—I did not go as being engaged to go.

5092. How should you know they were coming up; how did you know they were coming up?—I knew the petition was going on, therefore I knew there must be witnesses coming up.

5093. Do you mean to say you went there as mere guess-work, or did you know they were coming up by that train?—I did not; I was there at the one-o'clock train.

5094. You took your chance of meeting your Walsall friends?—Yes, I took my chance.

5095. You did not know at all of their being summoned?—I did not know who were summoned.

5096. You did not take out an omnibus for them, did you?—No.

5097. You did not tell them so?—No; I rode up in an omnibus, and I said, "If there are any witnesses here, it is most likely we shall go back with you."

5098. Who were "we"?—I meant any witnesses that came up.

5099. You did not address them in the royal mode of *le roi voulait*?—No, I only went up myself.

5100. Had you other persons with you?—No, I went up as an individual; I took in no one with me; there was the coachman drove me up.

5101. You said, "If there are any witnesses here, we will go back with you"?—I thought that very likely the witnesses would like a cheap conveyance, and they would go cheaper back by the omnibus than any other mode.

5102. It was entirely from your benevolent wishes that they should go cheaper, that you offered to take them in the omnibus; do you mean to swear that?—I mean to swear that what I said to the man was, "We may go back with you, if there are any witnesses here." I did not hire him.

5103. Do you mean to say it was in order to save the pockets of the witnesses you offered to take them in the omnibus?—Entirely.

5104. Not with a view of bringing them to the house you wished?—No; I gave them a card. They said they should go to the Morning Bush; I did not prevent their going there.

5105. You swear before the Committee that your only reason for offering to take those witnesses in an omnibus, to a particular address, was benevolence?—Yes.

5106. General benevolence; philanthropy on a small scale?—It was entirely with that view I gave them Mrs. Fendall's card; if they chose to have gone there, no doubt they would have been received there, and she would have been very glad to have provided for them.

5107. That is as true as all the rest you have been swearing to-day?—I swear it is true.

*Samuel Patch.*

26 March 1841.

5108. It is as true as the rest you have been swearing to-day?—Yes.
5109. And all the rest is just as true as that?—Yes.
5110. When did you first communicate with the other side in this case?—On Friday last.
5111. How came you first to communicate with Mr. Coppock?—On account of my being subpoenaed.
5112. When you were subpoenaed did you go to Mr. Coppock's?—When I was subpoenaed I was asked to call upon Mr. Coppock, and I did.
5113. I suppose his clerk asked you?—Yes.
5114. Did you then state to Mr. Coppock the evidence which you could give here?—He asked me different things, and I told him.
5115. And you handed him over the papers, and so on?—I did not hand him over the papers; I had not them with me.
5116. You kept them in reserve for another day?—Yes, I gave them to him since the Committee has been going on.
5117. Have you not been employed in what you call looking after Mr. Coppock's witnesses?—On this occasion? no.
5118. How came you to know where the witnesses were, and to go for them when the Committee wanted them, being Mr. Coppock's witnesses?—I never went, but only after Burns; I knew where he was gone, because he asked me; he said, "If I am wanted again will you come for me? I am taken very unwell; I am going to my lodgings;" another person might have gone as well as myself.
5119. Where did you find him?—I found him in King-street.
5120. Did that happen by accident to be Mrs. Isborn's house?—Yes, it was Mrs. Isborn's house; I knew the man was there.
5121. The house where you had been making those curious inquiries a night or two before?—Yes.
5122. On Friday night I think you said those inquiries were made?—No, I said that I had seen Mr. Coppock on the Friday.
5123. You told me it was either Saturday or Friday you went to the house in King-street?—That I called there.
5124. You did not tell me that?—I said it was three or four days before.
5125. Did you not say it was on Saturday or Friday?—I dare say I did; if you say I did and have got it on your paper.
5126. You told me it was at 11 o'clock at night when you were going from the House; now the House does not sit on Saturday?—I was there on several nights.
5127. When was it?—I might have called on last Saturday.
5128. The House does not happen to sit on the Saturday?—I have called more than once; the second time of my calling there was, as I admitted, on leaving the House.
5129. Was it on Friday or Saturday night you went there?—Yes.
5130. On the Friday you first saw Mr. Coppock?—Yes.
5131. That led you to go to look after his witnesses?—No, it did not.
5132. I will not quarrel about terms; you go to Mrs. Isborn's and make inquiries that night or the next?—Yes, I made an inquiry whether the house was engaged for any witnesses.
5133. That was the order in which the thing passed?—Yes.
5134. You mean to say that you were not employed by any one to go there, or to go to Euston-square, or to bring the witnesses to your own quarters?—I was not employed by any person to do that.
5135. What you did was at your own expense?—Yes.
5136. Is that the usual way in which you conduct business?—In this case I do not know that; in any other case where I have been employed to look after witnesses or go to meet them, I have known the parties, some one has always gone with me; in this case I knew the witnesses, and therefore I went up to recommend them to a house.
5137. You knew the witnesses?—I knew Mr. Lates and others.
5138. How did you know who were coming?—I know a great many persons at Walsall; I was pretty sure I should see some of them I knew.
5139. How did you know what witnesses were coming?—I did not know who were coming, but I supposed there might be some whom I had known at Walsall; I went up with the expectation that witnesses would arrive the night before the Committee was to come on, and I went there to see if I knew any of them, and to recommend them to a place where I thought there was accommodation for them.
5140. You

5140. You did that entirely out of regard to the witnesses, whose names you did not know, and in order that they might be comfortable?—I did.

5141. And that without making any charge or expecting any remuneration?—Yes.

5142. And that is your usual course?—No, it is not, my usual way, but being a witness myself, knowing I should have to give evidence made a difference.

*Samuel Patch.*

26 March 1841.

Re-examined by Mr. Cockburn.

5143. You say you have been employed on some former occasions in election petition cases?—Yes.

5144. You mentioned the Ludlow?—Yes.

5145. Have you been engaged in others besides the Ludlow?—Yes, I have.

5146. Mr. Serjeant *Wrangham*.] Just look at these letters, and say whether these are your handwriting, dated January the 18th, 26th, 27th and 28th [*the letters were shown to the witness*]?—Yes; I am looking to see where they are dated from.

5147. It is not necessary for you to read them?—I do not want to read them.

5148. Mr. Cockburn.] In those cases in which you have been employed, you have been employed I suppose to do subordinate work under the parliamentary agent, whoever he was?—Yes, or under the solicitor.

5149. It is considered rather dangerous to have all the witnesses in the lobby, talking to one another, and they employ persons to keep them separate?—Yes.

5150. You have been employed for that purpose?—Yes, I have.

5151. I understood you to say, you had some parliamentary work you expected for this Session, but it has been cut short by Mr. Fox Maule's Bill?—Yes.

5152. Will you explain; when you got down to Walsall, I think you say, you immediately communicated with Mr. Barnet?—Yes.

5153. You went to the George to see him?—Yes, on understanding at his house that he was at the George.

5154. When was that?—On Tuesday the 26th.

5155. You saw him only for a moment or two?—Yes; he told me to call the next day; when I first saw him he gave me a card, and his card passed me into the assembly-room instantly, otherwise I could not have been admitted; no strangers could be admitted.

5156. When did you get that card?—The same night I arrived, I wrote my note.

5157. That card passed you into the assembly-room?—Yes.

5158. You had a conversation with him the following morning?—He came down to me; I had sent up, I do not know whether it was a note or message, but he came down and told me he could not see me that morning regarding any engagement, because he had not seen the gentlemen of the finance committee.

5159. When did he say you were to see him next?—The next morning.

5160. Did you go and call?—Yes.

5161. Where was it you saw him the next morning?—In the private committee-room; it was written up "Private" on the door.

5162. Who was present on that occasion?—That was brought to my recollection just now; Marklew was one of the party, and I think Mr. James; there might have been two more in the room; there might have been four, and myself making five, with Mr. Barnet; afterwards Mr. Forster came in before I left, for I stayed some time; the gentlemen went in and out.

5163. What passed between you and Mr. Barnet then?—Then he communicated to me that he was very sorry that he could not give me a professional engagement the same as the other gentlemen who were present.

5164. What else?—That was all that took place at that moment.

5165. You said something that morning about your staying the election, if your services would be useful?—Yes, that was afterwards; before I left the room I had a glass of wine and a sandwich with Mr. Barnet.

5166. Was that in the same interview?—Yes.

5167. Were the other gentlemen present?—No; I do not think there were more than one or two in the room.

5168. You were there some time?—Yes, I suppose half an hour or more.

5169. Some of the gentlemen left the room after that?—Yes; I do not think



*Samuel Patch.*

26 March 1841.

there were more than three in the room; there was some wine ordered up and some sandwiches.

5170. Do you recollect who they were?—I think Mr. James was one who took a portion of the wine and sandwiches.

5171. Did either of those gentlemen hear any part of that conversation relating to your services being wanted?—No, that was said between me and Mr. Barnet; they were away from me with the exception of what passed about the professional engagement, that was between ourselves; he told me to go over to the Turk's Head, and there to wait.

5172. Did any one guarantee the payment of your bill at the Turk's Head?—Yes.

5173. You say that was Mr. Kilner?—Yes; Mr. Kilner sent for me on the Friday evening; he sent for me up in the middle room of the house, and produced his account book; he said he wanted to see me particularly; Mr. Barnet had sent for him.

5174. Who wanted to see you?—Mr. Kilner; he sent for me to speak to him.

5175. Did Kilner guarantee your expenses at the Turk's Head?—He did.

5176. He wanted you for that purpose?—He did.

5177. Did you see Mr. Barnet again between that time and the nomination day?—This was after the nomination day, after the election was over, when I was leaving Walsall.

5178. After that interview which took place in the private room at the George, from that time till the nomination day, did you see Mr. Barnet again?—I saw him every day; on the Friday and Saturday I saw him.

5179. Did any communications take place between you and him on the subject of the election?—I asked him for the list he promised to write; he said some one was making it out, and I should have it.

5180. When did he promise it?—He promised it me the next day.

5181. When did he give you the promise?—I think on the Friday, for me to have it on the Saturday morning.

5182. Did he say what that list was to be?—It was to be, on a suggestion of mine, a list of doubtful voters, that the committee should have three or four names, and look after them in their several districts.

5183. You suggested that the division should be made, and that the doubtful voters should be looked after by the committee-men of their respective districts?—Yes.

5184. And Mr. Barnet approved of that suggestion?—Yes, he promised to give me a list of the whole districts, so as to divide it; but I told him how it was to be done, and then he did not want me to do it.

5185. Were you to have a list of the respective voters, with the polling-places to which they belonged?—Yes.

5186. You afterwards received the list which has been put in?—Yes.

5187. On what day did you receive that list?—I received it about six o'clock on the morning of the election.

5188. The nomination or the polling day?—The morning of the polling-day, between five and six.

5189. Was that after Mr. Barnet had been at the New Inn?—Yes.

5190. Mr. Barnet was there between four and five o'clock, and you got this list between five and six?—Yes.

5191. When Mr. Barnet was at the New Inn between four and five, did any thing pass on the subject of the list?—He asked me whether the men were there.

5192. And whether any had left?—Yes.

5193. Did he say any thing about this list at that time, or you to him?—Not to him; I said to Price, as he was going, for Mr. Barnet did not stay long, "I should like to have a list of them, with the polling places," and they were sent to me.

5194. You have said that all the names included in that list were voters you had had under your care that night?—Yes, they were.

5195. Do you remember a noise that took place in the night?—Yes, I do.

5196. At what time did that take place in the night?—About two o'clock in the morning.

5197. Was that the first time it began?—No, there was one party came after the doors were locked, and the outer gates were locked, to inquire for parties; they made a noise at the gates, and then they attempted to get in; then at about

two

*Samuel Patch.*

26 March 1841.

two o'clock in the morning a greater party came, and managed to break open the gates.

5198. Was there some fighting after that?—Yes.

5199. Was that a one-sided conflict, or did both parties take part in it?—Those that were inside of course defended themselves as well as they could.

5200. At 10 o'clock was the time of the first noise and disturbance?—Yes.

5201. There was no previous disturbance to that?—No.

5202. When the doors were barricadoed, was that for the purpose of preventing any attack, or for the purpose of keeping the witnesses within?—The gates were locked to prevent the witnesses from going out; the voters, I mean.

5203. The gates were locked for the purpose of keeping in the persons who were there?—Yes.

5204. I understand you, there had been no previous violence?—I saw none.

5205. Did you see Mr. Barnet on the morning of the polling, when it was going on?—Yes, I went over to the room where the returns were made.

5206. Had you any conversation with him?—To ask him for the list; he gave me the list to cast up.

5207. What list?—The list of those that were polled; I did not make up the returns; there were returns continually coming in from one place and another.

5208. And you cast it up and returned it to him?—Yes.

5209. What day was it you wrote to him the first of those letters which has been read?—The first letter that I wrote, I think, was on the Thursday or the Friday; I am not quite certain which.

5210. The Friday after the polling?—Yes.

5211. What day did you leave Walsall?—On the Saturday; I had an interview first with Mr. Barnet, before I wrote to him at all.

5212. What passed at that interview?—I went to ask Mr. Barnet respecting my expenses, and he said he had nothing to do with the finance committee, therefore he could not allow me any thing; then I asked him, "Will you lend me?" he said, "Well, I am rather short just at present; I expect some money in; you can call again to-morrow." Then he writes me this note not to call.

5213. Was that note, in which he writes to you not to call, written prior to the letter of yours which has been put in, or afterwards?—That first letter which was put in yesterday was a letter I received not to call on Mr. Barnet after the interview I had with him.

5214. There is a letter they have put in of the same date, the Friday?—It was after I received that letter I wrote to him.

5215. That letter was the beginning of the correspondence of that day?—It was.

5216. On the following day you say you left?—I did; on the Saturday.

5217. I understand you to say you offered your services to Mr. Gladstone in town?—I did.

5218. You went to meet the witnesses; you say you did not know who they were, but you knew there were some witnesses coming?—I supposed there were some witnesses coming up.

5219. And you took Mrs. Fendall's card, that if they pleased they might go to that place?—Yes, I took no other card but Mrs. Fendall's.

5220. You found they were not going to Mrs. Fendall's?—I did; they said the reason they went to the Morning Bush was, that Mr. Barnet was to meet them there.

5221. I understand you to say you were not employed in any way in looking after the witnesses in this case?—No, I have not been.

5222. And have had no communication at all with Mr. Coppock till his clerk called with the summons?—I have not.

5223. *Committee.*] Is your name entered as a parliamentary agent at the Private Bill Office?—No.

5224. In what capacity should you have been employed, had it not been for the measure of Mr. Fox Maule?—I should have assisted some gents who had some Turnpike Bills in London, in the different stages of the Bills in the House.

5225. In what manner?—When a Bill is presented to the House, it requires to be attended to; I should have given what assistance I could to those friends of mine that I knew were coming up.

*Samuel Patch.*

26 March 1841.

5226. When you applied to Mr. Barnet for payment of the expenses, did you specify any particular sum?—No, I did not.

5227. Did you give him an idea of what sum you expected?—No, because he immediately said, “I have nothing to do with the finance committee on this election, and therefore I cannot say any thing until I have seen them.”

5228. Did Mr. Barnet state any reason for declining to give you the same retainer as to the other professional gentlemen employed?—He declined on account of having seen the finance committee that morning, and that they considered there was no other person required.

5229. You say he declined giving you the same retainer; did he offer you any retainer?—No; I said “I may be useful to you during the election,” and he said yes, I was to go to the Turk’s Head, and when he wanted me he would send for me.

5230. You say you had no distinct message from Mr. Barnet in the course of the election; did you receive any message that was stated to be from him?—When I returned one day, I found some parties had inquired after me, and that I was wanted at the George; from whom the message proceeded I cannot say.

5231. Have you any reason to believe that that message was from Mr. Barnet?—I should suppose that, because I was desired to go over to the Turk’s Head and remain there.

5232. Did you expect any remuneration for your loss of time in going to Euston-square to see after the witnesses?—No.

5233. If they had gone to Fendal’s Hotel, should you have been responsible for the payment of their expenses?—Certainly not.

5234. At what time did you leave London on Tuesday the 26th of January, to go to Walsall?—I left on the evening of the 25th, and stopped at Birmingham until the next morning.

5235. You were understood to say you never thought of changing your name to Davis before you left London?—No.

5236. When you had the interview with Mr. Barnet at No. 10, between nine or ten on the 26th, was that the first time it occurred to you to change your name?—It was.

5237. At what time was it you sent “boots” to the Post-office for the letter?—It must have been the next day; I wrote over to a friend at Birmingham to say where I was.

5238. You said just now, the first time it occurred to you to take the name of Davis was when you were with Mr. Barnet between nine and ten that night?—Yes.

5239. How was it you sent “boots” to inquire for a letter that evening in the name of Davis?—Not that evening; I did not know that the name of Patch was known there until the Sunday on my return.

5240. But on the evening of the 26th you sent “boots” to the Post-office for the letter?—No.

5241. On what evening was that?—I cannot say; I rode over to Birmingham; I might have given the name of Patch, too, for I left my direction, if any letters came to me on parliamentary business, they were to be sent to me at Walsall.

5242. Did you not state that the way in which your name became known as Davis was in consequence of your sending for the letter?—Yes.

5243. When was that?—I think that was the day after.

5244. That letter came from a person at Birmingham?—Yes.

5245. Was it in answer to a letter from you?—Yes.

5246. At what time did you write that letter?—I wrote it at the Turk’s Head; the post does not go out till late at night.

5247. How was the letter addressed?—There was no letter that day.

5248. If you wrote a letter the night you arrived at Walsall, could you receive an answer next night in course of post?—Yes.

5249. How was this letter addressed that you received the next night?—“Mr. Davis, Post-office, Walsall.”

5250. How came that man to address that letter in the name of Davis?—By my direction sent the night before, the Tuesday night, the 26th; it must have been on the 27th, I sent in the evening.

5251. At what time in the evening was it you wrote that letter to Birmingham?—It was after I left the George Inn.

5252. After you had been to Mr. Barnet?—Yes.

5253. Who

5253. Who was the person at Birmingham from whom this letter was received ?  
—A Mr. Collins, a friend of mine.

*Samuel Patch.*

5254. When you got to Walsall you wrote a letter to Mr. Barnet requesting an interview ?—Yes.

26 March 1841.

5255. How did you sign that letter ?—In my own name, "S. Patch."

5256. You stated in the early part of your examination that you were known to Mr. Barnet in the year 1838 ?—Yes.

5257. And that you were employed by him in that year ?—Yes.

5258. In what capacity were you employed by him in that year ?—To attend to the witnesses in the Walsall election petition then before the House.

5259. How long were you employed by him on that occasion ?—I did not do the duty, because I was acting for other petitions, and another gentleman superintended it for me.

5260. Were you or not employed by him ?—I was in the outset ; we understood the Committee were to meet at one o'clock.

5261. Did you receive any remuneration from Mr. Barnet for the performance of that duty ?—No ; for it was paid to the other party.

5262. Did you receive any remuneration from that other party for the employment on that occasion ?—No ; I had not attended to it ; I had been, in the first place with Mr. Barnet a day or two before the Committee came on ; when the ballot came on, we understood that so many Committees were sitting, the Walsall was not to sit until one o'clock ; but it so happened that afterwards they met at 11 ; Mr. Barnet wrote me a letter into Parliament-street, which I did not receive until after that time, being, I think, in the Ipswich Committee.

5263. Perhaps the more correct representation would be, that you hoped to be employed, but that you were not employed ?—I did come and attend the Committee afterwards, but I found a party had done it for me ; I gave orders for that.

5264. Will you direct your attention to the interview between yourself and Mr. Barnet after the election was over ; the subject of that interview was the application on your part for remuneration, was it not ?—Yes.

5265. Did Mr. Barnet on that occasion repudiate your claim for remuneration ?—No, he said he could not say anything about it till he had seen the finance committee ; that he did not belong to the finance committee.

5266. Did he refer you to the finance committee ?—No, he did not refer me there.

5267. Do you know, in point of fact, whether there was a finance committee ?—No more than what he told me.

5268. Did Mr. Barnet tell you who were the persons on that committee ?—No.

5269. You, in point of fact, have never made application to any person but Mr. Barnet for remuneration ?—Except Mr. Brookes for the 1/.

5270. On the morning of the election you state that Mr. Price and Mr. Barnet came together to the New Inn ?—Yes.

5271. You saw them together, and you had an interview with them ?—I had with Mr. Barnet.

5272. Did what Mr. Barnet say pass in the presence of Mr. Price ?—No ; Mr. Barnet said, " You have had a very great row here, have you not ?"

5273. Where was Mr. Barnet at that time ?—He was in the passage.

5274. Where was Mr. Price ?—He followed him ; there was very little passed.

5275. Did Mr. Barnet speak to any persons except you ?—He went into the house.

5276. Did you go with him ?—No, I stopped at the door ; I had the key of the door.

5277. Did any other person hear what passed between you and Mr. Barnet on that occasion ?—No, I do not think they did.

5278. Mr. Price did not hear it ?—No, I do not think he did.

5279. You unlocked the door to allow Mr. Barnet to come in ?—Yes, and some other gentlemen ; they walked in ; they did not speak to me when first they came in, but Mr. Barnet spoke to me ; there was a man of the name of Wood at the door that was very tipsy.

5280. Mr. Barnet did speak to you, you say ?—Yes.

5281. Where was it he asked whether all the voters were there ?—Just in the passage.

219.

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5282. Did

*Samuel Patch.*

26 March 1841.

5282. Did he ask that in the presence of other persons?—There were others present.

5283. Did he ask you in the hearing of other persons whether they were there?—No, I do not think he did.

5284. Did you ever attend an election at Walsall before this?—No.

5285. Have you attended elections at other places?—O, yes, many.

5286. At what time did you put your letter to Birmingham into the Post-office?—It must have been 11 o'clock. I paid extra for putting in the letter; it was beyond the post hour.

Mr. *Cockburn* stated, that if the Counsel for the Sitting Member were prepared to admit the fact, that a letter written to Birmingham on one evening might be answered by the afternoon of the next day, he should not call evidence to prove that fact.

Mr. Serjeant *Wrangham* stated, that he was instructed, that if a letter was put into the post at Walsall by nine o'clock in the evening, the answer might be received by three o'clock on the following day.

5287. *Committee.*] Did you pay for the letter you put in?—Yes; it was not put into the letter-box; I took it to the house, and paid the man 6*d.*; the man who goes over to the post at the Walsall station took it for me.

5288. Are you quite sure that the time at which you sent "boots" for the answer must have been the night after?—Yes.

5289. That was the first time your name was known as Davis at the Turk's Head?—It was.

5290. At what time was the conversation with Mr. Barnet, as to Marlow?—It was on the day of the election; the day of the nomination.

5291. At what hour?—I should think about 11 o'clock; it was between 10 and 11 when I went over.

5292. Did you then tell Mr. Barnet you found great difficulty in keeping Marlow?—Yes, I did.

5293. What did Mr. Barnet say to that?—Mr. Barnet said, "You must do the best you can."

5294. Did you tell Mr. Barnet at the same time, after you had been speaking with reference to Marlow, that you found a difficulty in keeping the other voters at the New Inn?—No; because no other voters had then arrived.

5295. Did any other conversation pass between you and Mr. Barnet about other voters?—He said there would be other voters sent over, and I was to take care of them.

5296. What did you understand by taking care of them?—That I was to keep them, and not let them go away.

5297. Mr. *Cockburn.*] Whatever might be the time of your putting your letter into the post, it was your understanding that you would be enabled to receive an answer by the post of the next afternoon?—It was.

5298. Mr. Serjeant *Wrangham.*] You say this letter was to a Mr. Collin; will you tell us where Mr. Collins lives in Birmingham?—It is in the High-street.

5299. What is his description?—He is a gentleman; he has been an attorney's clerk.

5300. Is he an attorney's clerk now?—He was; I knew him in that capacity.

5301. What is he now?—He has a little property, and is living on his means, I believe. I am not aware that he is doing any thing now.

5302. Where is he to be found?—In High-street, Birmingham; he was at that time, at least.

5303. Where, in High-street?—He is to be found at Mr. Gooding's in High-street.

5304. Who is Mr. Gooding?—I have the direction there; he keeps an inn.

5305. You do not mean to say he was living at an inn?—He was stopping there.

5306. Is that the direction of a man, where he is to be found—an inn at which he was staying six or eight weeks ago?—That is the only direction I can give you.

5307. Where

5307. Where is this little property he is living on?—I do not know; of course he must have means to live on.

5308. He must have either means or wits?—I understand he had a little property to live on.

5309. You cannot tell us where Mr. Collins is to be found?—He was then, as I tell you, at Mr. Gooding's, in Birmingham; where he is now I cannot tell.

5310. To what attorney was he a clerk?—When I knew him he was in London; I do not know with whom he was living; I knew him living in Lambeth, and I met him by chance in Birmingham, when I was going to Walsall, and he was kind enough to show me a great portion of the place, when I was going through.

5311. *Committee.*] You do not know where he is now?—No; he said that if assistance was wanting he would come over; I wrote to him to say that I did not think I should want him at all.

5312. You directed your letter to him at Mr. Gooding's?—Yes.

[The Witness withdrew.]

*William Winter Lates* was called in; and, having been sworn, was Examined by *Mr. Cockburn*, as follows:

5313. I BELIEVE you are the landlord of the Turk's Head, at Walsall?—I am.

5314. During the late election for Walsall had you a person in that house of the name of Davis?—He gave his name as Davis.

5315. Was he several days at your house?—He was.

5316. I suppose he ate and drank, and so on, while he was there?—He did.

5317. Of course there was something to pay when all the eating and drinking was done?—Yes.

5318. Who paid it?—Not any one.

5319. Are you in the habit of allowing your customers to depart without paying landlord's dues?—No.

5320. How came you to let Mr. Davis depart without paying?—I had a security.

5321. Was that in writing, or by word of mouth?—By word of mouth.

5322. Had you no writing at all on the subject?—Yes.

5323. Have you got it?—No.

5324. Where is it?—It was a note that I had from Mr. Patch.

5325. By whom was it written?—By Mr. Barnet, I believe.

5326. You know Mr. Barnet's handwriting, do you not?—I have seen it.

5327. Do you know it?—Yes.

5328. Where is the note?—The note was destroyed.

5329. When, upon your oath?—About three or four days after I received it.

5330. Do you mean to swear that?—I do; I have sworn it.

5331. Do you mean to swear that it was not much more recently than that?—No; that was much about the time.

5332. By whose direction did you destroy that note?—Not any one's; I destroyed it on my own account.

5333. Was that note your security for the payment of the bill?—No.

5334. You say you had some security?—I had.

5335. Had that note any reference to the payment of the bill?—I forget its form, I am sure.

5336. I do not ask you the form; had that note no reference to the payment of the bill; come do not hesitate?—I think it had; but I forget the form of it, I am sure.

5337. Do not you know that it had reference to the payment of the bill; never mind the form, we are talking about the substance?—I am sure I forget the form.

5338. I tell you I do not ask the form, I ask the substance; upon your oath, had it not reference to the payment of the bill?—I really cannot answer that question.

5339. Do you mean to swear that you have any doubt at all upon the subject?—No.

5340. Had not that paper reference to the payment of your bill?—I think it had.

*Samuel Patch.*

26 March 1841.

*W. W. Lates.*

*W. W. Lates.*

26 March 1841.

5341. Do not you know that it had ; have you the slightest doubt on earth that it had?—I really forget how it was done, but I think it had.

5342. Do not you know that it had?—I do not like to swear that.

5343. Tell us the substance of the note?—I cannot.

5344. Was it an engagement by Mr. Barnet to see you paid?—It was.

5345. Then why did not you say so just now, when I asked you the question?—I had a security.

5346. When I asked you the contents of the note, and whether it was not an engagement on Mr. Barnet's part to see you paid, you said you did not know?—That was a note from Mr. Barnet to Mr. Patch.

5347. To say that he would see his expenses paid?—Mr. Patch wrote to Mr. Barnet.

5348. You say it had reference to Mr. Patch's expenses ; was it not that he, Mr. Barnet, would see his expenses paid?—I think, if I am right, he said if he would forward his account at the inn to Mr. Barnet, he would see it paid.

5349. Did Mr. Patch give you that note?—Yes.

5350. After he had received that note, do you know whether Mr. Patch did furnish his account to Mr. Barnet?—No.

5351. Did you give Mr. Patch your account?—Yes.

5352. After you had supplied Mr. Patch with your account, did Mr. Kilner come to you on the subject of it?—He did.

5353. Did Mr. Kilner guarantee to you the payment of the bill?—He did.

5354. Therefore you have been satisfied up to the present time, though you have not been paid?—Yes ; I have waited.

5355. You have been served with a warrant to produce your books?—I have.

5356. Have you got them?—I have got Mr. Patch's account.

5357. The warrant requires you to produce your books, as to any thing you have furnished to any persons previous to, or during the election?—I do not book any thing for the election.

5358. I am not asking whether you booked for the election, but I ask for the books that you kept during that period ; never mind what there is in them ; where are the books?—[*The Witness produced a book.*]

5359. Do you mean to say that that is the only book you kept?—This is the only book which I have, connected with our trade.

5360. Let me see that book?—[*The book was handed to Mr. Cockburn.*]

5361. You keep a ledger, do you not?—That is the only book we keep connected with the trade.

[Adjourned till To-morrow, at Eleven o'clock.]

*Sabbati, 27<sup>o</sup> die Martii, 1841.*

LORD ELIOT IN THE CHAIR.

The names of the Members were called over ; all present.

*William Winter Lates* was again called in ; and further Examined by Mr. *Cockburn*, as follows :—

*W. W. Lates.*

27 March 1841.

5362. IF I understand you rightly, since the beginning of the present year you have had no other book than this in which any entries were made connected with your business as an innkeeper?—No.

5363. You have told us about Mr. Davis being at your house ; when did you first learn that Mr. Patch's name was Patch?—I do not know how many days ; I cannot speak to that ; it was in consequence of his saying to the man "Will you go to the Post-office and inquire whether there are any letters for Mr. Davis or Mr. Patch?" that was the first time I heard his name.

5364. Was that after the election proceedings were all over?—No ; I think it was before.

5365. At

*W. W. Lates.*

27 March 1841.

5365. At that time, during the time he was in your house, he passed by the name of Davis, did he not?—A great part of the time.

5366. When did he cease to pass by the name of Davis and go by the name of Patch?—I do not know that he ceased at all; many persons call him by the name of Davis to the present time; I do not think that he ever acknowledged that his name was wrong.

5367. Whatever notes, and so on, came to him, were they addressed to him by the name of Davis?—Some of them.

5368. Did you see any addressed by any other name?—I do not know; I never noticed as to any of his letters; if there came a letter for him, it was taken up to the commercial-room.

5369. Was any letter or note you saw addressed to him by the name of Davis?—Yes.

5370. Will you point out to me any entry made in this book relating to your trade for the present year except that entry respecting Mr. Patch; I suppose whatever you buy and sell goes into that book or into some book; have you no account of what beer you draw, or what liquors you sell?—[*The Witness turned to the book.*]

5371. You do not go on regularly from page to page?—No.

5372. You just open the book wherever it may happen?—Yes.

5373. Did you give a treat to the electors?—There was one.

5374. At your house?—Yes.

5375. When was it?—On the 22d of January, I think.

5376. Of course to the voters in the interest of Mr. Gladstone; have you yet had payment?—No.

5377. Can you tell me what the amount of it was?—About 13*l.* altogether.

5378. Was it an evening treat?—It was.

5379. Have you sent in any bill to any body?—No.

5380. It is too early yet; to whom are you going to send it in?—To Thirstall's.

5381. Who is Mr. Thirstall?—He is a neighbour of mine.

5382. What is he?—He is a gentleman out of business.

5383. Why did you pitch upon him as the unfortunate individual?—He ordered it.

5384. Had you any limit as to the amount?—Yes.

5385. Did you see much of Mr. Thirstall during the election?—No.

5386. During the canvass?—No.

5387. Did you ever attend the committee-room?—No.

5388. Did any body else besides Mr. Thirstall speak to you upon the subject of that treat?—Yes.

5389. Who?—Mr. Brookes.

5390. Charles Brookes?—Yes.

5391. Any body else?—No.

5392. Did Mr. Jesson?—No.

5393. No one else spoke to you at all about it?—No.

5394. Who spoke to you first about it, Thirstall or Brookes?—Thirstall.

5395. Did Brookes order it as well as Thirstall?—Yes.

5396. Why do you send that bill to Mr. Thirstall rather than Mr. Brookes?—I send it in for his part; he only ordered to a certain amount.

5397. What was the amount he ordered to?—It was 3*l.*

5398. Mr. Brookes is to pay the rest?—Yes, he is to pay the rest, the 10*l.*

Cross-examined by Mr. Serjeant *Wrangham*.

5399. Will you turn to the entry about Patch?—[*The Witness turned to the entry.*]

5400. Was Mr. Davis alone when he staid at your house?—No.

5401. Who was with him?—Some lady; he termed her his wife.

5402. Did she stay all the time?—She did.

5403. She is the other person; I see there are two breakfasts, and so on?—Yes, there are.

5404. She is the other person?—Yes, she is.

5405. He was away on one occasion, I believe?—He was away.

5406. Did he go on the Saturday and come back on the Monday?—I am sure I cannot say.



*W. W. Lates.*

27 March 1841.

5407. Was he away on Sunday, do you recollect?—I really do not know; he was away some time, but the days I do not recollect.

5408. Here is a time when there is one breakfast and one dinner; was that the time?—Yes, that was the time; the things were put down as they went from the bar.

5409. It was for the lady, Mrs. Davis, that those items were?—Yes.

5410. Breakfast, dinner, wine, tea, brandy and bed?—Yes.

5411. That is the course of proceedings?—Yes.

5412. Did that lady appear to be in a very weakly state, out of health?—No.

5413. She swallowed the wine and brandy, and dinner, and tea and breakfast, and so on?—Yes, just as well as I could myself.

5414. Let us hear a little more about Mrs. Davis; did she appear to be a lady in a robust state of health altogether?—No.

5415. She did not appear to you like an invalid coming into the country to recruit?—No, indeed she did not.

5416. Here is a box of pills?—I am sure I do not know who had them.

5417. Here is an entry of wine, 10s., the day before, which accounts for the pills next morning?—He had a friend there one day; I think that was the time he had two bottles of wine.

5418. There are two days running where there is wine, 10s.?—Perhaps it is so.

5419. Brandy, 8s.; was that for the lady or the gentleman?—That was for Mr. Patch; he ordered it for a present, I think.

5420. The lady was just as well as the gentleman; they were both in very good cue?—O yes

5421. After they had enjoyed all these luxuries at the end of the term, did any question arise about payment?—No.

5422. How do you mean; did they offer to pay for this?—O no; they did not offer to pay.

5423. What reason did he give for not paying?—He said he considered he had been used ill, that he had not got any money, and he could not get any.

5424. Had you, in point of fact, the means of ascertaining whether he had any or not?—I gave him the bill when he was about to leave; of course I wanted the money before he left the place; he said he could not do it, and he brought Mr. Kilner to pass his word for the amount before I would let him go; he was a stranger to me.

5425. He had not any money, and could not pay?—He had not any money, and could not pay.

5426. I will not ask you what induced Mr. Kilner to pass his word; we shall hear that from him; but with respect to this entertainment, Mr. Thirstall, a gentleman out of business, a neighbour of yours, authorized you to go as far as 3l.?—Yes.

5427. How came that afterwards to be increased by Mr. Brookes?—The sum was so small, and Mr. Brookes says, "Go to 10l."

5428. When was that; was that on the day on which the entertainment took place?—Yes, it was on that night.

5429. When the party were assembled?—Yes.

5430. Did you make a representation as to the smallness of the sum 3l., the limit?—Yes; I said it would not be half a pint a-piece for my customers.

5431. This was to be a treat to your customers?—Yes.

5432. You told us just now it was to be a treat to the electors; you said it would not be half a pint a-piece for your customers?—Yes.

5433. Was it upon that Mr. Brookes said you were to go, upon his responsibility, to the amount of 10l. more?—Yes, that he would be answerable for 10l.

5434. That made 13l.?—That made 13l.

5435. Of what did the party in the house principally consist; what class of people were they?—The greater part of them were mechanics.

5436. Were they the work-people in the factories?—Yes.

5437. Those were not voters, I presume?—No.

5438. *Committee.*] Were there any voters there?—Yes, I think there was a few, but I did not take particular notice, the room was so crammed, and I was engaged in the bar; I only went to the room once; I cannot speak to the number, for I did not take particular notice.

5439. Mr.

5439. Mr. Serjeant *Wrangham*.] You do not know that there were not some voters among them, but the bulk were the work-people in the factories?—Yes.

*W. W. Lates.*  
27 March 1841.

5440. Were those your ordinary customers?—Yes.

5441. Those were the parties for whom the entertainment was ordered and intended —Yes.

Re-examined by Mr. *Cockburn*.

5442. They were friends of Mr. Gladstone, I presume?—They were friends of mine.

5443. Were they friends of Mr. Gladstone's?—They were a rabble; I dare say they would be friends of any body they could get any thing from.

5444. Are you in the habit of entertaining the rabble?—There is always a lower order in the kitchen than any where else.

5445. Do you mean to say you are in the habit of giving gratuitous treatment to a rabble?—No.

5446. Do you do it at an election?—Yes; not particularly at those times.

5447. You do occasionally?—It is the only time I ever had the chance.

5448. Do you mean to say that when those gentlemen told you to give a treat, they did not tell you to give it to the friends of Mr. Gladstone?—I do not think it was mentioned who it was for.

5449. Will you swear it was not?—No, I could not swear it.

5450. Do you mean to say those gentlemen simply told you to open your house to that extent?—Mr. Thirstall said, "Mr. Lates, any day that is convenient I will give you a treat."

5451. Do those treats happen at other times?—Yes, I have given several on my own account at certain times of the year.

5452. Not at this particular period?—No.

5453. Do you mean to say you did not know that this treat was given on account of the election; was there a supper up-stairs that same night?—No.

5454. Was there a supper at all in your house that night besides that you have mentioned?—No.

5455. *Committee*.] Just look at that book where Mr. Patch's account is; is that your handwriting?—It is.

5456. Is the whole book your handwriting?—No.

5457. Is that account copied from another account, or was it all written when the things were ordered?—There was a loose leaf; it might be this one, and I copied it on to this, owing to this being fast.

5458. It is a copy from another paper, and not the original paper?—It is not the original as it was sent in.

5459. The original is not there?—No, the original is not there; this is a copy, as it might be taken on this, and being loose, I thought it might be lost, and copied it on to this other leaf.

5460. Will you swear that is an accurate and perfect copy of the original entry in your book?—It is a perfect copy.

5461. There is no alteration whatever?—There is no alteration whatever.

5462. Is there not a page torn out?—There are many leaves torn out.

5463. What made you copy that particular account, and not any other account?—Because there was no other account wanted.

5464. Was that the only account you entered on a loose leaf?—No, there is another here on a loose leaf.

5465. How came you to copy that particular account into the book, and not any other account?—The account was in this book on a loose leaf; I copied it into that which is tight, lest it should be lost.

5466. Was that leaf loose when you originally copied it, or did it become loose afterwards?—It became loose afterwards.

5467. It was originally entered on a loose leaf?—It was.

5468. Was that the only loose leaf, or were there many?—There were two or three loose leaves.

5469. Was any thing written on either of those leaves except the account of Mr. Patch's entertainment?—Yes.

5470. What were the other things; have you got those leaves?—They may be at home, I am not sure.

5471. They might be burnt?—They might be burnt, it is very likely, by this time.

*W. W. Lates.*

27 March 1841.

5472. Do you know what has become of them?—I do not know what has become of them.

5473. When did you last see them?—When I came away they were there.

5474. You thought it better to bring the copy than the original?—I thought it better to bring this correct copy than one on loose pieces of paper, as that was; here are two other loose leaves.

5475. Did the leaves taken out of your book refer to accounts of the former year or of this year?—I am sure I do not know; I did not take that notice; it is rather a careless way; if you or any other gentleman was to come into our place, and there was room here just to begin, then we should start there with what you had then; when it was filled up we should go on on the other side; there are many accounts on one leaf.

5476. You say a friend came to see Mr. Davis while he was there?—Yes.

5477. That was besides his wife?—Yes.

5478. Do you know the name of that friend?—Yes, Mr. Fisher.

5479. Was it a lady or gentleman?—A gentleman, Mr. Fisher.

5480. When did he come?—I do not know what day it was.

5481. Do you know whether it was before he went to Manchester or not?—I do not.

5482. He did not come with him?—No.

5483. How do you know his name was Fisher?—He is a neighbour of mine.

5484. A Walsall man?—Yes.

5485. Davis knew Fisher before, did he?—I suppose so; he invited him to come and have a glass of wine; I had no other reason to suppose it.

5486. He is a neighbour of yours in Walsall?—Yes.

5487. Was there any thing written on those leaves which are torn out connected with the dinner to be given?—No, not any thing.

5488. You undertake to swear that?—Yes.

5489. Is Mr. Thirstall an elector?—I believe he is.

5490. Is Mr. Brookes an elector?—He is.

5491. You said there were some other things written on those papers you have not produced besides the account of Patch; what were the other things which were written on those papers?—They were similar to any of these; they were all connected with the commercial-room.

5492. Did you see this warrant before you came here?—Yes.

5493. Have you read it?—No, I have not read the whole of it.

5494. Did you read any part of it?—Yes, just the top.

5495. Have you read the words "all books, papers, memorandums, writings and documents in your possession or power, containing any entries of meat, liquor or refreshment supplied to any person or persons;" did you read that?—No.

5496. It was by mere accident you brought this?—No; this was the only account I had with Patch, and I supposed I had no occasion to bring any thing else.

5497. Do not you know that an original account is better than a copy of an account?—If it is copied correct, I suppose it is the same as the original.

5498. Was the copy into that book made before you received that order or afterwards?—It was after I received the order.

5499. Can you venture to carry in your recollection all the items on those loose sheets?—No.

5500. Did they relate to meat, drink or refreshments supplied to any persons between the time of issuing the writ and the close of the poll?—No, they did not.

5501. Do you undertake to swear that?—Yes.

5502. Was Mr. Fisher, of whom you have spoken, an elector of Walsall?—Yes.

5503. For whom did he vote?—I rather think he voted for Gladstone.

5504. You were understood to say that you first knew your lodger's name to be Davis, in consequence of a message given by him to you or your servant with reference to a letter to be fetched from the post-office?—Yes.

5505. Do you know whether it was known in the inn?—No, I do not.

5506. Did any person come to inquire after your lodger by the name of Davis in the course of the first evening after his arrival?—That I do not know.

5507. Did

5507. Did you send for that letter on the first afternoon?—No.
5508. Did he represent himself on arriving to be an electioneering agent?—  
I do not think he did.
5509. Did you consider him to be one?—No, I did not know what he was.
5510. You gave him credit as you would to any ordinary visitor?—Just so.
5511. When was it you asked him for payment?—The morning that he was leaving.
5512. What reason did he then assign for not paying?—That he had not the means; that he considered he had been used ill.
5513. By whom?—I think his words were, that he considered he had been used ill; that he had not got any money, and could not get any.
5514. What steps did you take in consequence of that representation?—I did not take any; I was determined his things should not go out of the place, and at last he brought Mr. Kilner down, and he said, "If you like to take my security for the account, I will guarantee it."
5515. You had a note from Mr. Barnet guaranteeing the payment of Mr. Patch's account?—Yes.
5516. When was that sent to you?—That morning.
5517. Was it before or after he brought down Kilner?—I think it was after.
5518. You were not satisfied with Kilner's security, and required an additional guarantee?—Yes, he alluded to this note he had had from Mr. Barnet, and I said, "Perhaps you would let me have it."
5519. Knowing Mr. Kilner to be a respectable person in Walsall, were not you satisfied with his assurance?—I should have been if I had not seen this note; he had the note in his pocket, and he pulled it out and showed it me, and I said, "Perhaps you will allow me to keep it?" he said, "Oh yes, you may;" and he put his thumb at the top and tore a bit off; but what it was I do not know.
5520. If you considered this note a necessary security, why did you destroy it?—When I came to look at it I did not consider it a security, because he tore a piece off the top.
5521. And therefore you destroyed it?—Yes; I thought it of no use at all.
5522. Do you remember the purport of that note?—If I recollect right, it was that if he felt disposed to send his account from the inn to Mr. Barnet, he would guarantee the payment.
5523. Did not you consider that written by a person of Mr. Barnet's respectability a sufficient guarantee?—No, not when it was torn; this side [*the third page*] has a part torn off.
5524. Did Patch assign any reason for destroying a note which was answerable for the settlement of your account?—No.
5525. What remained upon the fragment which remained in your hand?—That if he would send his account at the inn to Mr. Barnet he would guarantee the payment.
5526. Was not that sufficient for your purpose?—No, I apprehend not.
5527. Did Mr. Barnet's signature remain?—Yes, his signature was there.
5528. To whom was the note directed?—To Mr. Davis.
5529. Not Patch?—No.
5530. When did you destroy that note?—About four days, I think, after I had it; three or four days I carried it about in my pocket.
5531. Can you tell to a week?—Yes.
5532. You were served with a warrant, which has been read to you, to produce all papers and documents; did you destroy that letter before or after you had the warrant served upon you to produce all documents?—Before.
5533. You are certain of that?—Yes.
5534. Where did you destroy it?—I rather think I used it up the yard; I think I had a motion, and used it for that purpose; I generally carry a lot of newspapers in my pocket.
5535. You thought that paper, being a guarantee for your bill, of no consequence?—No.
5536. The bill, however, was not paid?—No.
5537. When did it first strike you that that paper of Mr. Barnet's was no guarantee?—After I had looked at it two or three times, I said, "This note is of no consequence; it is not directed to me, and Mr. Kilner has passed his word."
5538. Did you say that to any body?—No, that was what passed in my own mind.

W. W. Lates.

27 March 1841.

5539. You say Mr. Davis tore off a part of the note?—Yes.
5540. Did the signature and the direction to Mr. Davis both remain?—Yes.
5541. And yet you considered that no guarantee for the payment?—I did.
5542. Are you to be understood to say, that you took that note as a guarantee, and afterwards destroyed it because it was of no consequence?—No, I only wanted to look at it; finding the note torn and not directed, I thought it of no consequence, as Mr. Kilner had passed his word; if I had had no other security I should have kept it, I have no doubt.
5543. Your having another security made it of less consequence?—Yes, it did.
5544. Then why should you have kept it?—I do not know that I should have kept it.
5545. Did you not ask Davis or Patch for that note?—Yes.
5546. Can you tell us what part was taken off?—No, I cannot say; it was torn off; he kept that himself; he put his thumb on and tore it off.
5547. Did it read as if there were any part wanting?—Yes, it read as though there were something wanting; he tore off some words, but what they were I do not know.
5548. How did the note as left in your hands begin; was there any date upon it?—That I am sure I do not know.
5549. Did it begin “Sir,” or how?—“Sir,” I think it was.
5550. There was from “Sir” to the end of the note?—I do not remember about the middle of the note; he said, if he would forward his account at the inn he would see it paid, or something of that kind; that was the only part I looked at.
5551. You saw the name was that of Davis?—Yes.
5552. Did you know his name was Patch then?—Yes.
5553. When your lodger desired that any letter addressed either in the name of Davis or Patch should be brought to him, what did you suppose his name was?—I did not know at that time what his name was.
5554. And you did not inquire?—No, I did not like to take that liberty.
5555. You saw nothing on his trunk?—No; I might have seen his luggage passing through the house.
5556. Did it not strike you as remarkable that a man should desire to have letters sent in two names?—I thought it strange he should have two names.
5557. Do you mean a fragment of the paper, or the fragment of the note; was any part of the note torn, or only a part of the paper?—A part of the note was torn.
5558. How could some words be torn off if the word “Sir” was upon it; “Sir” is generally the first word of a note?—It was on a piece of paper very much like this; this was torn off here [*the top corner of the third page*], about as near as possible, that he kept in his hand.
5559. You mean to say the “Sir” was upon it, but some of the other words were torn off?—Yes; “Sir” might be here, and his signature was down here [*near the bottom of the third page*].
5560. Were there any words on the part that was torn off?—Yes, there was about two lines, as I recollect, torn off.
5561. There was about as much torn off as that fragment in your hand?—Yes.
5562. The note was a perfect note, with the exception of that corner torn off?—Yes.
5563. Where was the signature?—Here, on the opposite page.
5564. The signature remained?—Yes.
5565. Where was the “Sir”?—On the first page.
5566. Was there any writing on the third side?—Yes.
5567. What did that note contain?—I cannot recollect the whole of it, but it said that if he would forward his account—
5568. Whereabouts were those words?—It began somewhere about the latter part of the second page.
5569. What was written upon the first page?—I do not remember what it was about.
5570. Have you any recollection whatever of what was written?—No, I did not pay that attention.
5571. Did you keep it three days?—I kept it three or four days.

5572. Was

5572. Was it a note sealed or wafered?—That I do not know ; I think it was wafered, but I am not sure, in the corner, something in this way [*folded*].

5573. Was it directed?—It was directed.

5574. On the back?—Yes, to Mr. Davis.

5575. Had the words torn off any reference to the guarantee of your payment ; was it in that part of the letter that was torn off where he said he would see you paid?—No, that sentence was finished ; that was there.

5576. Were all the words which guaranteed you payment contained in the note?—Yes.

5577. On which side were those words?—On the second page of the note ; then there were about two lines, I suppose, run along here [*the third page*].

5578. You cannot tell what there was in any other part of the note?—No, I cannot.

[*The entry in the Witness's book, referred to by him, was read as follows :*]

1841 :	Mr. Patch :	£.	s.	d.	1841 :	Mr. Patch :	£.	s.	d.
Jan. - 26	2 Teas - -	-	3	-	Feb. - 2	Brandy - -	-	1	9
" - -	Gin - - -	-	1	6	" - -	Ale - - -	-	-	2
" - -	Ditto - - -	-	1	-	" - -	2 Dinners - -	-	4	-
" - -	Ale - - -	-	-	3	" - -	Ale - - -	-	-	4
" - -	Bed - - -	-	1	-	" - -	Wine - - -	-	10	-
" - 27	2 Breakfa sts -	-	3	-	" - -	Tea - - -	-	3	-
" - -	1 Dinner - -	-	2	-	" - -	Wine - - -	-	1	-
" - -	Ale - - -	-	-	2	" - -	Bed - - -	-	1	-
" - -	Wine - - -	-	1	3	" - 3	2 Breakfasts -	-	3	-
" - -	Tea - - -	-	1	6	" - -	Box pills - -	-	1	-
" - -	Bed - - -	-	1	-	" - -	Washing - -	-	1	3
" - 28	2 Breakfasts -	-	3	-	" - -	Wine - - -	-	10	-
" - -	Dinner - - -	-	4	-	" - -	2 Dinners - -	-	4	-
" - -	Ale - - -	-	-	4	" - -	Ale - - -	-	-	4
" - -	Wine - - -	-	3	4	" - -	Eating - - -	-	1	-
" - -	2 Teas - - -	-	3	-	" - -	Ale - - -	-	-	4
" - -	Gin - - -	-	1	-	" - -	Brandy - - -	-	1	-
" - -	Bed - - -	-	1	-	" - -	Bed - - -	-	1	-
" - 29	2 Breakfasts -	-	3	-	" - 4	2 Breakfasts -	-	3	-
" - -	Dinner - - -	-	4	-	" - -	Dinner - - -	-	4	-
" - -	Ale - - -	-	-	4	" - -	Ale - - -	-	-	4
" - -	Brandy - - -	-	2	3	" - -	Brandy - - -	-	2	-
" - -	2 Teas - - -	-	3	-	" - -	Gin - - -	-	-	6
" - -	Bed - - -	-	1	-	" - -	Bed - - -	-	1	-
" - 30	2 Breakfasts -	-	3	-	" - 5	2 Breakfasts -	-	3	-
" - -	Tea - - -	-	1	6	" - -	Brandy - - -	-	8	-
" - -	Bed - - -	-	1	-	" - -	Ale - - -	-	-	4
" - 31	Breakfast - -	-	1	6	" - -	2 Dinners - -	-	4	-
" - -	1 Dinner - -	-	2	-	" - -	Ale - - -	-	-	4
" - -	Ale - - -	-	-	4	" - -	Brandy - - -	-	2	-
" - -	Wine - - -	-	1	3	" - -	Tea - - -	-	3	-
" - -	Tea - - -	-	1	6	" - -	Bed - - -	-	1	-
" - -	Brandy - - -	-	1	6	" - 6	2 Breakfasts -	-	3	-
" - -	Bed - - -	-	1	-	" - -	Brandy - - -	-	1	-
Feb. - 1	2 Breakfasts -	-	3	-	" - -	2 Dinners - -	-	4	-
" - -	Dinner - - -	-	2	-	" - -	Ale - - -	-	-	4
" - -	Brandy - - -	-	1	6	" - -	Brandy - - -	-	1	6
" - -	Tea - - -	-	1	6	" - -	Waiter - - -	-	10	-
" - -	Bed - - -	-	1	-	" - -	Boots - - -	-	3	6
" - 2	Breakfast - -	-	1	6	" - -	Chamber-maid -	-	0	-
" - -	Snuff - - -	-	-	9					
" - -	Dinner - - -	-	2	-					
" - -	Ale - - -	-	-	2					
							£.	9	2 11

[The Witness withdrew.]

James Kilner was called in ; and, having been sworn, was Examined by Mr. Austin, as follows :

5579. YOUR name is James Kilner?—It is.

5580. Are you the landlord of the New Inn at Walsall?—I am.

5581. Were you so at the last election?—I was.

219.

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5582. What

James Kilner.

*James Kilner.*

27 March 1841.

5582. What was the nomination-day?—Monday, the 1st of February.  
 5583. And the polling-day Tuesday?—Yes, the 2d of February.  
 5584. Were you in Walsall at that time?—I was.  
 5585. Were you at your inn on that day?—I was at my inn parts of each day, though not entirely.  
 5586. Were you part of Monday?—Yes, and part of Tuesday.  
 5587. Were you at your inn on Sunday?—I was.  
 5588. And on Sunday night?—I was.  
 5589. And on Monday night?—I was.  
 5590. Have you two rooms you use for the entertainment of company in your inn?—I have.  
 5591. Have you a large room?—I have two large rooms.  
 5592. Below stairs?—No, both up-stairs.  
 5593. How do you get access to either of those two large rooms?—I get access to one by the general staircase, and to the other up a back staircase out of the kitchen, or an outer staircase out of the yard; I have two entrances.  
 5594. Can you get into those rooms by coming through the street in front of your house?—My house is under the gateway.  
 5595. Can you get into the rooms by going down that gateway?—Yes.  
 5596. Can you go out of your house by a backway?—No, I must go out by the gateway; I can go out into the yard by the backway.  
 5597. From the yard do you get into the same street from which you turn into the gateway?—Not without passing my front door.  
 5598. Can you get into a back street?—No.  
 5599. Into what street do you get from your house?—Park-street.  
 5600. Is that the front street in which your house stands?—Yes.  
 5601. How many persons will your rooms accommodate at a time?—I cannot tell.  
 5602. How long have you had that house?—Eighteen months on the 22d of this month.  
 5603. You have never had an election at Walsall before?—Never.  
 5604. Cannot you tell the Committee how many persons might be entertained in those rooms?—I believe, at the time of Finch's election, that very near 300 dined in one room; I have been informed so; I speak from hearsay.  
 5605. You say you have heard that; but, in your opinion, could 300 persons dine in that room?—I have never dined above 85 in the room.  
 5606. Have you kept an inn before?—No.  
 5607. Do you believe 300 might be dined in that room?—No, decidedly not.  
 5608. Might 200?—Yes.  
 5609. That is the principal room?—Yes, the long room.  
 5610. How many in the other room?—About 30 or 35.  
 5611. What shall we call that?—That is the commercial-room.  
 5612. Was your house opened during the last election?—What do you mean by opened?  
 5613. Was your house opened during the last election?—The doors were open, certainly.  
 5614. When the doors were opened, did not the electors come in there at the door?—O yes, a many.  
 5615. When the electors got in, having come there, did they drink?—Yes, they did drink.  
 5616. Did they eat?—They ate.  
 5617. When they had eaten and when they had drunk, did they pay for what they had eaten and drunk themselves?—Some did, some did not.  
 5618. How many were there who did not?—I really cannot tell you, I am sure.  
 5619. Were there 10?—Oh, more than that, I dare say.  
 5620. Were there 50?—More than that, I dare say.  
 5621. Were there 100?—More than that, perhaps.  
 5622. Were there 200?—I cannot say.  
 5623. You will not swear there were not 200?—I will swear there were not 200 electors.  
 5624. But you will not swear there were not 200 persons?—No.  
 5625. When did the eating and drinking begin; on the Monday?—My house is a commercial house; the eating and drinking began at eight o'clock in the morning;

*James Küner.*

27 March 1841.

morning; mine is a commercial travellers' inn, and of course they began breakfast at eight o'clock.

5626. As your house was a commercial house, it opened at eight in the morning?—It opened before that; you asked me when the eating began.

5627. Did any of the electors come in as early as eight in the morning?—I really cannot tell you, for I was in bed.

5628. At what time did you get up?—Perhaps half-past nine, perhaps it might be nine; I will not be positive.

5629. Did you go into the long room or the commercial-room when you got up?—Neither.

5630. How soon after you got up did you go into the long room or the commercial-room?—I do not think I was in the long room at all till the afternoon; in the commercial-room I was, to the best of my recollection, first about one o'clock.

5631. When did you go into the long room?—Some time in the afternoon.

5632. About what o'clock?—I do not know.

5633. Cannot you say some time, or something about it?—I do not know indeed; a person in his own house walks about his house, and he does not recollect when he goes into any room.

5634. Will you swear you did not go in before two o'clock?—I will not.

5635. Will you swear you did not go in within an hour after you got up in the morning?—I will not swear that.

5636. Will you swear you did not go into the long room as soon as ever you had had your breakfast?—I will not swear that.

5637. Have the goodness to recollect what you saw in the long room when you did go there; how many persons were there in the long room?—What day do you mean?

M 5638. What day you were telling the Committee you got up at nine?—Monday.

5639. I ask whether you will swear you did not go in immediately after you got your breakfast that morning?—I cannot swear whether I did, for I may be called by a servant to go into a room, and may perhaps think no more about it; but, to the best of my recollection, I was not in that room before three o'clock.

5640. You will not swear you did not go in immediately after breakfast?—I will not.

5641. When you went in, how many persons were in the long room when you went into it?—Not above half a dozen the first time I went in.

5642. Were they commercial people?—No; no commercial people go into that room; it is not the commercial-room.

5643. Did you go in afterwards at any time?—I was in several times in the course of the evening.

5644. You have told me you will not swear there were not 200 persons there; how many persons did you find there the next time you went in?—I did not count them.

5645. Will you give the Committee a guess how many persons were in this room?—I should be very sorry to be called upon to do that.

5646. How many persons were there in that room?—I cannot say.

5647. Were there 20?—Not the first time I went in.

5648. I ask you at any time during that afternoon?—There were sometimes a few, and sometimes a great many.

5649. Did you see them eating and drinking?—I did.

5650. As you have told me there were some persons who did pay, how many persons were there who paid during those two days?—I cannot tell, for my servants and my wife took the money; I can tell what I received.

5651. What did you receive?—I can tell the amount which I received the four days put together.

5652. I ask as to that day?—I cannot tell you, for it is put together.

5653. Had you any commercial persons in your inn during those two days?—Several.

5654. How many?—I think there were five or six, but I cannot speak positively.

5655. Did these commercial gentlemen remain after the Tuesday?—They did.

5656. Are their expenses in the accounts you have?—No, that is another account.



*James Kilner.*

27 March 1841.

5657. Have you separated them?—Yes.

5658. Do you recollect the number of the other persons ; I do not allude to the commercial gentlemen who paid during those two days?—I do not, I did not take the money.

Mr. Serjeant *Wrangham* objected to the evidence of transactions at the New Inn without further proof of agency.

Mr. *Austin* stated that he would proceed with another line of examination at present.

5659. Mr. *Austin*.] To whom did you charge the money that was due in respect of those refreshments?—The money due in respect of those refreshments to myself, Mrs. Kilner entered it under the title of "Opening Day."

5660. That was why, I suppose, you did not understand me when I asked you whether your house was opened ; when you say you so charged it, I suppose you made an entry to that effect?—Mrs. Kilner did.

5661. To whose account did you make that entry?—To no one's.

5662. Do I understand you to state that you supplied the meat and drink, and so forth, without intending to be paid for it?—In the origin entirely.

5663. Will you answer this question distinctly ; do you mean to tell the Committee that you supplied meat and drink without intending to be paid for it?—I never had a promise to pay for it.

5664. Do you mean to tell the Committee that you supplied meat and drink without intending to be paid for it?—I should be very glad if you will pay me, for I do not know who else will, I am sure.

5665. Do you or not intend to be paid for it?—I had no expectation of its being paid for beforehand, and if it had cost double the money, I should have been very glad to have given it.

5666. Will you tell the Committee what it cost?—My account, I believe, is 150*l.* ; the account is entered by my wife.

5667. Do you mean to tell the Committee, upon your oath, that you had no instructions to supply meat and drink?—I do, most decidedly.

5668. Do you mean to tell the Committee, upon your oath, that you have made no application to be paid?—I do, most certainly.

5669. Do you mean to say you do not mean to make an application?—I do, most certainly.

5670. Will you tell the Committee, upon your oath, that you will not take the money if it should be offered to you?—If it is offered, I never refuse money ; but I shall not take in any account to any person.

5671. Will you tell the Committee, upon your oath, that you will not take the money if any person offers it to you in payment of your bill?—I will not say I would not take the money if it was offered to me ; I should be a very great fool if I did not ; but I have no claim, and no charge will I make.

5672. Be so good as to attend to this question, and answer it distinctly ; will you tell this Committee, upon your oath, that at the time you opened your house you did not expect to be paid by some body?—Yes, I was deceived in that matter by a person who has had an examination here before you, Patch ; he was the man who came and asked me if I would have voters in my house for to protect them from being run away with by the opposite party ; I said at once that I would ; I asked him if he had any authority ; he told me he had no authority for it ; I sent over to Mr. Barnet ; my wife sent over Mr. Thomas James, who is now ill in bed ; I went over with him ; I met him in the gateway ; Mr. Thomas James said, " Mr. Barnet, there is a great deal of treating going on at Mr. Kilner's."

5673. Was that said in your presence?—Yes.

5674. You saw Mr. Barnet?—I did.

5675. Did you go with Thomas James to Mr. Barnet?—I said so ; I did.

5676. You saw Mr. Barnet?—Yes, I did ; Mr. James said to Mr. Barnet, " There is a great deal of treating going on in the New Inn ; Mrs. Kilner wants to know whether he is authorized by you or not ;" that was the question put by Mr. James.

5677. Did you speak to Mr. Barnet upon that occasion?—No, I did not.

5678. From beginning to end?—I did not respecting that remark.

5679. Was this on the Sunday?—On the Monday.

5680. How

*James Kilner.*

27 March 1841.

5680. How much meat and drink had been supplied at that time?—There had been a dinner ordered by certain gentlemen who attended the election; Mr. Beach, the mayor of Dudley; Mr. Bogle, of Dudley; Mr. Richard Bales, of Birmingham, and several others whom I cannot mention now.

5681. Was that dinner given to electors, or a dinner for the gentlemen?—It was a dinner ordered by the gentlemen, as an ordinary, for themselves, at one o'clock.

5682. I am not asking you as to that; but how much had been given without being paid for in the way of meat and drink?—I shall state it as I go on; a dinner was ordered by this party of gentlemen, 24 in number, or 25, I am not certain which; they ordered champagne; champagne was brought up, and during the time they were at dinner there were several others who were electors and non-electors came into the room, and one was asked to have a glass of champagne, and another was asked, and at last it became a general thing, whoever wanted it; Mr. Beach of Dudley asked me to divide the bill; I said I did not know how to divide the bill; there had been 62 pint bottles of champagne taken up, and many electors and non-electors came into the room and helped themselves at the table, and called for champagne as well.

5683. Where was this dinner?—In the commercial-room.

5684. How much meat and drink had been supplied in the long room at the time you went to Mr. Barnet's?—Not any; I am not aware of any being supplied in the long room before that.

5685. At the time you went to Mr. Barnet's, as I understand you, the supply had been limited to the commercial-room and the dinner ordered?—Yes.

5686. Who is Mr. Thomas James?—He is a son of Mr. James the manufacturer.

5687. A friend of Mr. Gladstone's?—Yes, and a friend of mine.

5688. A friend to the party?—Yes.

5689. How long were you with Mr. Barnet?—I should think not five minutes.

5690. Did you return again to your own house?—Immediately.

5691. After you returned to your own house, having seen Mr. Barnet, the refreshments were supplied in the long room?—They were, by my own orders.

5692. Does the charge which you have made to persons under the head of "Opening Day," to the amount of 150*l.*, commence from that time?—No; the charge includes what had been done before.

5693. And it includes all that was done after?—Yes.

5694. How much was incurred before, and how much after?—I really cannot tell that, for it is put down on a slate by the bar-maid or my wife, who serves the liquor out, and from that slate it is copied on the paper.

5695. Cannot you tell me what relates to the present year?—I cannot; I never interfere in the bar to know what goes out.

5696. Cannot you tell something like what it was?—I cannot.

5697. Cannot you tell whether there was 50*l.* and 100*l.* afterwards, or 100*l.* before and 50*l.* afterwards?—There was more incurred after this than there had been before.

5698. For which you have not been paid?—No; for which I have not been paid.

5699. You have never yet given me an answer to the question I put as to whether you intended to be paid at the commencement of the Monday?—I had no idea at the commencement of the Monday of having any open house at all.

5700. Did you intend to be paid?—I could have no intention when I had no idea of open house.

5701. When you came back, after having seen Mr. Barnet, had you any intention of being paid for what you supplied?—None at all.

5702. If you had no intention of being paid, will you tell the Committee whether you had an intention of giving away what you supplied?—It was given away; I shall be very glad to have the money if you will pay me, but I have no demand against any person, and shall never ask any one.

5703. When you say, "If you will pay me," do you mean to apply that to me who am now examining you?—Yes.

5704. Will you undertake to tell this Committee, upon your oath, that you intended to give the meat and drink away?—I ordered every person to have whatever they liked without any notice about payment in any way whatever, and my

*James Kilner.*

27 March 1841.

wife made a remark, "Whom do you look to to pay this?" I said, "Never you mind; I must have the voters kept here, and I will do it at my own risk."

5705. When did your wife make this remark?—When I came back from Mr. Barnett's.

5706. Upon your oath, did you, at the time when you made that answer to your wife, intend to give away the meat and drink you supplied?—If you ask me, upon my oath, I shall say I have many friends not at all connected with Mr. Gladstone in any way, who would take care I did not lose by it; but that I had any demand upon the committee, is not the fact; I never had one.

5707. Do you know the difference between supplying for payment and giving away?—Undoubtedly; I do too often.

5708. As you now appear to know the difference between those expressions, will you, upon your oath, tell this Committee you intended to give away the meat and drink supplied on that day?—I intended not to be paid by Mr. Gladstone or his committee; I had no charge against them.

5709. I asked you whether you meant to give away the meat and drink you supplied on the Monday and Tuesday?—Upon my oath, I would have given it away with pleasure, and shall do so; I have no intention of asking a farthing from any person for it whatever.

5710. Do you understand what I mean when I ask you whether you gave away the meat and drink you supplied?—I did give it away, most decidedly.

5711. Do you understand what I mean when I ask whether you gave away that meat and drink?—I do.

5712. Attend to this question for the tenth time; upon your oath, did you intend to give away the meat and drink you supplied upon the Monday and Tuesday?—I did give it away; I actually did it.

5713. Upon your oath, did you mean to give away the meat and drink you supplied on the Monday and Tuesday?—I have answered that several times.

5714. I must have an answer to that question, and if you do not answer that question I must apply to the Chairman?—

5715. *Committee.*] That is a very plain question; why do you not answer it?—I did intend it, and I will explain, if you will permit me, what I mean by that.

Mr. *Austin* requested that the witness might be directed to withdraw.

[*The Witness was directed to withdraw.*]

Mr. Serjeant *Wrangham* objected to the witness being stopped in the answer he was in the course of giving.

Mr. *Austin* contended that he was entitled to a distinct answer to the question.

[*The Witness was again called in.*]

5716. Mr. *Austin.*] Without giving me any explanation, first of all answer distinctly, yes or no, to this question; explain afterwards as long as you please, but first of all give an answer without any explanation; at the time when you gave orders to give away meat and drink without limit, will you tell this Committee, upon your oath, whether you meant to give it or not?—No, I did not mean to give it; now I will give you the explanation; I meant to give it, so far as the committee were concerned; I had no claim on any one for any part whatever, but I knew that some of my friends would take care I did not lose afterwards by it; I would willingly lose if they do not offer to pay me; I shall ask no person for it.

5717. Did you or did you not expect to be paid by some body for it?—I did; I have said that.

5718. Do you still expect to be paid for it?—I expect I shall be at some time from some parties, I do not know by whom; I have before said I do not care much about it.

5719. Were you present when your wife requested Mr. Thomas James to go to Mr. Barnett?—Yes; I saw Mr. James in the passage going out, and I asked him where he was going.

5720. Had you had any conversation with your wife upon the subject of refreshments before that time?—Yes, she asked me who was to pay for them.

5721. At what time of the day was it she asked you who was to pay for it?—Immediately before she sent Thomas James out; a few minutes previously.

5722. Did

*James Kilner.*

27 March 184r.

5722. Did she send for Thomas James, with your knowledge?—No, I do not say she sent for Thomas James; I do not know that she did send for him.

5723. She asked you that question, who was to pay, before James was sent to Mr. Barnet?—Yes.

5724. Did you know that she was going to send James to Mr. Barnet?—I did not.

5725. You met him going out of the gateway and stopped him, and went to Mr. Barnet's yourself?—I did.

5726. Had you known Mr. Barnet before?—I had not known Mr. Barnet to speak to him, many months.

5727. Are you new in Walsall?—I have resided in Walsall not quite three years.

5728. But you had known him?—Yes, I had known him, from seeing him, for two or three years past.

5729. Does your wife know him?—She knows him now.

5730. Did she know him at that time?—I do not know that she did; I cannot speak to that.

5731. Were you acquainted with James yourself?—He was an intimate friend of mine.

5732. I suppose your wife was acquainted with him?—Of course she was.

5733. When did you intend to open your house; when did you make preparations to open your house?—I made no preparations whatever.

5734. When did you begin to prepare for opening the house?—It was opened quite promiscuously, by chance I mean; this dinner was ordered, and so it went on.

5735. When did you see Mr. Davis first?—I suppose I saw him on the Friday or Saturday.

5736. On which day was it you had the conversation with Davis you have referred to?—On the Monday afternoon.

5737. Was it after the dinner?—After 12 o'clock I should think, but not after the dinner; about that time; I cannot speak to an hour, of course.

5738. Was it before you went to Mr. Barnet's?—Oh yes, it was.

5739. How long?—I really cannot tell; it was as near 12 o'clock as I can say; very near that time.

5740. Did Davis come to your house again in the course of that day?—He was there all the evening.

5741. Was he in the room with the people who were eating and drinking?—He was all over the house, at least down stairs.

5742. What was he doing?—Taking charge of the voters, I believe, at my request.

5743. How came you to be acquainted with Davis?—He came down as an agent, I understood; in the first instance, he told me he was a Parliamentary agent.

5744. How came you to be acquainted with him?—Because he came to my house.

5745. Did he come alone?—He did the first time I saw him; Mrs. Kilner saw him two or three times before I saw him; when I saw him the first time he was alone.

5746. Did he come alone?—I really do not know.

5747. You cannot tell that?—I cannot tell; I was not in the house when he came; I did not see how he came.

5748. Had you seen Mr. Barnet within two or three days before the Monday?—Yes, I saw Mr. Barnet most days.

5749. Did you see Mr. Barnet on the Sunday?—No, I did not.

5750. Did you see Mr. Barnet on the Saturday?—I have no doubt I did, but I cannot recollect precisely the day; I think I saw him on the Saturday.

5751. Did you see him on the Friday?—I believe I did.

5752. Did you see him on the Thursday?—I believe I did.

5753. Perhaps you saw him every day in the preceding week?—Yes, most probably.

5754. Where did you see him?—I saw him on the Saturday in the room which was Mr. Barnet's room.

5755. That was No. 10, was not it?—I do not know the number, I am sure.

*James Kilner.*

27 March 1841.

5756. Was any body else there?—There was himself and a great many others writing.

5757. Do you recollect who they were?—No, I do not; I saw Mr. Owerton there and a great many people; Mr. Marlow, I think his name is, the second clerk.

5758. You saw Mr. Barnet on most of those days?—Yes.

5759. Did you see Mr. Gladstone?—I saw him in the streets every day, and I saw him in the long committee-room.

5760. In the assembly-room?—Yes, and I have seen him in my own house.

5761. On what day did you see him in the long committee-room?—I really cannot speak to the day he addressed the electors; I cannot recollect what day it was.

5762. On what day did you see him at your house?—When he called to ask me for my vote.

5763. On what day was that?—I really cannot tell.

5764. Was Mr. Barnet in the room at the time?—I cannot recollect indeed.

5765. You say you saw Mr. Barnet at the George; on which day did you see Mr. Barnet at the George?—Each day.

5766. You did not see him at his own house?—No, none of those days, I believe; he was not at his own house.

5767. How far is the George from your house?—I should suppose about 100 yards, not more.

5768. Did you see Mr. Barnet after the polling-day, the Tuesday?—I was out of town on the Wednesday and Thursday; I went over to Birmingham; I went over to get out of the excitement, and did not return till the Friday; I saw him on the Friday.

5769. Did you see him after that?—I have seen him many times since; I do not know that I saw him for several days after that.

5770. Where did you see Mr. Barnet?—At his own house I saw him; I delivered some accounts to him for Mr. Wilkins; Mr. Wilkins was at my house, and I had accounts against the committee for Mr. Wilkins's eating and drinking.

5771. Who is Mr. Wilkins?—He is a barrister from Manchester.

5772. Mr. Wilkins, you say, was at your house?—Yes.

5773. When was he at your house?—He was at my house till the Wednesday morning after the poll.

5774. When did he come?—I think the Tuesday previous.

5775. He was there about a week, was that so?—Yes.

5776. Living wholly at your house?—Yes.

5777. Perhaps you recollect a man of the name of Nightingale?—I do; he was living at my house too.

5778. At what time did Nightingale come?—On the Sunday evening, about 11 o'clock; he came by the train on Sunday night.

5779. How long did he stay?—Till the Tuesday afternoon or evening.

5780. Did he live also in your house?—He did.

5781. Nightingale is a man we know as a chartist?—I know nothing at all of him.

5782. Did Mr. Wilkins and Mr. Nightingale live together in the same room?—Sometimes they did, sometimes not.

5783. They both lived at your house altogether, breakfasted, dined and supped, and so on?—Yes.

5784. Did Mr. Wilkins pay his own bill?—No, he did not.

5785. Did Nightingale pay his own bill?—He did not.

5786. Have you made out a bill in respect of Mr. Wilkins?—I have, and of Mr. Nightingale.

5787. What did you do with those two bills?—I gave them to Mr. Barnet either the Saturday or the Monday after the election.

5788. You say you saw him on the Friday after?—I did.

5789. You saw him also on the Saturday?—On Saturday or Monday.

5790. Where did you see him then?—At his own house.

5791. At his place of business?—Yes.

5792. Did you give him Mr. Wilkins's bill and Mr. Nightingale's?—I did, and St. Clare's and two others.

5793. Who is Mr. St. Clare?—He is a gentleman who came over from Birmingham.

5794. Where

*James Kilner.*

27 March 1841.

5794. Where did the two others come from?—One a friend of Mr. Nightingale, and the other a friend of St. Clare.

5795. All those bills you gave to Mr. Barnet?—I did.

5796. What was the amount of those bills?—There was one for a sum of money I lent Mr. Patch.

5797. How much was Mr. Wilkins's bill?—Ten pounds twelve shillings and nine-pence.

5798. Will you let me look at that book; where is Mr. Nightingale's account?—It was torn out of the book.

5799. By whose advice?—By the advice of Mr. Patch.

5800. "Nightingale and friend," it is headed, I see?—Yes; I did not know the person's name.

5801. The amount of that is 2*l.* 1*s.*?—Yes, it is; there was another bill I recollect I delivered a man, who was a bill-sticker in the town, who was there nearly a month, from January the 12th to February the 3d.

5802. What was his name?—I do not know; I put "To Mr. Barnet's man."

5803. What do you mean by a bill-sticker; a man who sticks up bills, "Gladstone for ever," and so on?—I cannot say; you may call him an errand-man.

5804. What was the amount of his bill?—Three pounds six shillings and four-pence; St. Clare's bill was 1*l.* 17*s.* 3*d.*; that I think is all.

5805. Did those people, St. Clare and the other gentlemen from Birmingham, come to you without any introduction?—They came to me saying, that Mr. Henry Windle had ordered them to come to my house.

5806. Did you ever see Mr. Windle?—Yes.

5807. Did you see him with Mr. Barnet?—I have seen him with Mr. Barnet.

5808. Have you seen him with Mr. [Barnet, in Mr. Barnet's room, at the George?—I have.

5809. Who introduced Nightingale to your house?—Patch.

5810. Who introduced Wilkins to your house?—Mr. Barnet; he sent for me over to ask me whether I could accommodate Mr. Wilkins; I said I could do so, but I believe Mr. Potter brought him to my house.

5811. All those bills, if I understand you, you gave to Mr. Barnet on the Saturday?—On the Saturday or Monday.

5812. Did you make them out in form?—Yes.

5813. You copied them from the book?—Yes.

5814. Will you give me the book again where Mr. Wilkins's account is; did you copy that from the book?—Yes.

5815. Did you intend to be paid for those bills when you supplied that entertainment?—Most certainly.

5816. To whom did you look?—To Mr. Barnet for Mr. Wilkins's, Mr. Windle for St. Clare's, and Mr. Wilkins for Mr. Nightingale's.

5817. Is St. Clare a real name or a sham name?—I do not know, indeed; I suppose it is a real name; I have known him about 12 months under that name.

5818. Did Mr. Barnet pay you for those bills?—He did not.

5819. How came you to take the bills in on that Saturday?—Because I thought the bills were due.

5820. Had you any message from him?—No.

5821. You saw him when you took the bills?—Yes.

5822. Did you deliver the bills into his own hands?—Yes.

5823. Did you ask for payment?—No.

5824. What did you say?—I said, "Mr. Barnet, I have brought you the bills of the gentlemen who were at my house during the election, by your orders."

5825. What did he say?—That it was all right.

5826. What did he say further?—I do not know exactly; he said to the effect, it was all perfectly right.

5827. Did he look down the bills, and then say it was all perfectly right?—Yes, he looked them over, and he said, "It is all perfectly right," as much as to say there is no dispute about it.

5828. Have you been paid at all?—No, not a shilling.

5829. Has any reason been given you why you have not been paid?—I have not asked for the money.

*James Kilner.*

27 March 1841.

5830. Has any reason been given you why you have not been paid?—No because I have never asked for the money.

5831. Has any reason been given you why you have not been paid?—No.

5832. Have you ever spoken to Mr. Barnet about the bills since?—I have not.

5833. Have you never opened your mouth upon that subject since?—Will you allow me to think for a moment? No, I have not, to the best of my knowledge.

5834. Have you ever spoken to Mr. Barnet about the eating and drinking at your house since the election?—No; not since that time, except that he asked if I had any demand against the committee, and I said I had none until——He has seen my books since the petition has been commenced, and of course he knows what there is there.

5835. Will you go on and complete that sentence to the Committee; you told the committee you had seen Mr. Barnet; he asked you if you had any demand upon the committee, and you said you “had none until;” now, will you complete that sentence?—I do not recollect what I was going to say; then I corrected myself in the word “until.”

5836. You did not say that?—Yes, I stopped immediately.

5837. You did say to Mr. Barnet, “No; I have no demand until,” and there you stopped?—No.

5838. What was it then?—I do not know what you are alluding to at all; if you will ask me the question again I will answer you.

5839. I will ask you several questions; when did you see Mr. Barnet, when you had this conversation, and you said you had no demand “until?”—It was after the petition came about.

5840. At the time you said to Mr. Barnet you had no demand, but you added “until;” the end we shall see presently; you knew there was to be a petition against Mr. Gladstone’s return?—Of course I did.

5841. And I suppose that was pretty well known in Walsall?—I not only knew it, but I had been served with a subpoena.

5842. Without asking any more about that conversation, when did you show your books to Mr. Barnet?—I think it was on Monday week.

5843. This last Monday week?—Yes; I think that was the day, but I really do not recollect.

5844. Did you show Mr. Barnet that entry?—I did.

5845. Did you show him the word “Davis’s account” at the bottom?—I did.

5846. Were those words there when he saw the book?—Yes.

5847. Did you show him “Nightingale and friend?”—I did.

5848. Was the leaf torn out then?—It was torn out the week after the election.

5849. It was torn out when you showed it to Mr. Barnet?—Yes; but I did not show him that leaf, as it was mislaid by Mrs. Kilner in the desk; I showed it him afterwards.

5850. When was it you showed him that loose leaf?—I think it was the Friday or Saturday; he sent his clerk to me to know whether I had found the leaf.

5851. You showed him this leaf, with “Nightingale and friend” on one side and “Opening day” on the other?—Yes.

5852. On this side am I correct in stating you had one total of 101*l.* 16*s.* 2*d.*, and the sum of 26*l.*, 8*l.* and 5*l.* on the other, making altogether 140*l.* 16*s.* 2*d.*?—Yes.

5853. Did you also show him that?—Yes, I did.

5854. That was last Thursday?—About that time.

5855. Mr. Serjeant *Wrangham*.] You mean Thursday in the last week?—Yes.

5856. Mr. *Austin*.] Did you tell Mr. Barnet in what way this leaf came to be torn out of the book?—I did.

5857. That it was at Davis’s suggestion?—Yes; Davis was present at the time it was done.

5858. You have told the Committee your whole account came to about 150*l.*?—Independently of the accounts I delivered, the amount due is 23*l.* 19*s.* odd.

5859. You told me a little time ago there was about 150*l.* due?—No, I did not say due.

5860. That what you supplied came to 150*l.*?—Yes.

5861. Is that 140*l.* a part of that 150*l.*?—It is.

5862. As

*James Kilner.*

27 March 1841.

5862. As I understand you, the champaigne dinner has not been paid for?—No, it has not been paid for.

5863. You have made out the account including that?—Yes; for it was all mixed together; it was taken down on a slate, and all mixed together.

5864. I see you have got another book?—Yes.

5865. Does that book contain any account relating to these transactions?—It contains an account of the monies received.

5866. That is from the commercial gentlemen, probably?—It contains all the monies received; Mr. Patch, when he asked me to tear it out, stood by, and asked me to make out the account in a certain way to the election committee; he dictated to me, charging so many suppers, so many dinners in the long room; and so many breakfasts, and eating next day, and dictated what he thought the proper way to make out an election account; I said, "This account will never be paid, for Mr. Barnet will deny it;" he said, "Oh! it will be paid for after the election is over."

5867. Am I right in understanding you that that column contains the whole of the account?—The whole of the account.

5868. There is nothing but that column?—No.

5869. It is the right-hand column of page 54?—Yes; except the cash on the other side received.

5870. Except the sum of 29*l.* 2*s.* 8*d.*, received on the Monday, Tuesday, Wednesday and Thursday in the election week, in page 19?—Yes.

5871. That amount, as I understand you, is independently of the 150*l.*?—Yes, entirely.

5872. Those charges, as I understand you, were distinct from the election business?—They were entirely.

5873. They were charges made in the way of your business?—Yes; to the commercial men and so on; the accounts are marked with a cross in the book, which were delivered to Mr. Barnet.

5874. Do you keep this small book in carrying on your business?—Mrs. Kilner keeps it.

5875. Is that book regularly kept in the course of your business?—It is taken off the slate.

5876. Were there any entries made from that book into this?—No; there is a piece of paper at the end; she enters what is to go into that book, and there is a piece of paper.

5877. This loose piece of paper contains some entries that are to go into that book?—Yes.

5878. What is this book called?—It is what I call a general ledger.

5879. Is it your custom to enter in your ledger items that become due from time to time in the course of the day or week?—No; I generally put them on a paper, and take them off when they are paid; I cross them out when they are paid.

5880. At what time was the entry made on the leaf, when it was in the book under the head of "Opening day"?—I left home on the Tuesday evening for Birmingham, and when I came back on the Friday it was entered.

5881. That is not your handwriting?—No.

5882. Was that made during your absence in the election week?—Yes, it was.

5883. At that time was the entry made in this large book?—No.

5884. When was the entry made in this large book?—When I took that out of the book, at Mr. Patch's suggestion, I made the entry in that book towards the end of the book; at the time I did it I destroyed the paper; Mr. Patch drew out a form, and I made a copy of it.

5885. You meant to destroy the entry made in the small book, the book you copied from the slate; you then made out that account in a new form upon a piece of paper?—I did not mean to destroy it.

5886. Did you make this account out in the new form before you took that out of the book?—At the time I took it out; it was all done in two minutes.

5887. Did the loose piece of paper contain the four first items here?—No, it did not, nor the bottom item.

5888. But it contained all the rest?—Yes.

5889. When you entered that account so altered in this book, did you tear out the other?—No; it was torn out in the book at the time I made that entry.

219.

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5890. What



*James Kilner.*

March 1841.

5890. What was done with that when it was torn out?—It was put into Mrs. Kilner's desk.

5891. Did you see it put into her desk?—No; I saw it put into her pocket.

5892. When did you see it afterwards?—When I asked for it, she gave it me out of the desk.

5893. The whole of this amount I see is 173*l*.?—Yes.

5894. That includes 20*l*. and some shillings due on account of Wilkins, Nightingale, Patch & Co.?—Yes; and 3*l*. at the bottom on the last line.

5895. That is for the bill-sticker?—Yes.

5896. That is how you make out your sum of 150*l*., deducting the 20*l*.?—Yes.

5897. I observe that the first four items are ticked?—The first four and the last, and the accounts put at the bottom as accounts delivered.

5898. That is also ticked?—Yes, having reference to them.

5899. The first four of the last of those items have been delivered in the shape of a bill to Mr. Barnet, and are still unpaid for?—Yes.

5900. The 150*l*., or thereabouts, including all the rest of the items, have not been delivered?—No.

5901. And that is also unpaid for?—Yes, that is also unpaid for.

5902. Patch, I presume by your having put down the sum of 5*l*. 16*s*. as due, did not pay that himself?—No; that was cash lent; his bill was not at my house.

5903. He had no bill at your house?—A bill of a few shillings, which I have not charged to any one; it is under the name of Davis.

5904. The 5*l*. 16*s*. was cash advanced?—Yes.

5905. Had you ever seen Davis before he came to your house on that occasion?—No.

5906. Did you know his name was Patch when you advanced that 5*l*. 16*s*.?

—I did when I advanced the 4*l*., but not the first 1*l*. 16*s*.

5907. You advanced those two sums separately?—Yes.

5908. Upon whose credit did you advance him the 4*l*.?—Upon Mr. Barnet's credit.

5909. Did Mr. Barnet direct you, or authorize you, to advance him the 4*l*.?—Mr. Barnet did on this account; Mr. Patch came to him on the Friday, he waited till I came back on Friday morning from Birmingham; he said, "Mr. Kilner, I cannot go back to London; I have a wife and family; I have no claim on Mr. Barnet; if he pays my expenses I shall be very glad to go, and the Carlton Club will make me a present for my services. At the time he borrowed the 1*l*. 16*s*., this was to go down to Manchester to fetch a man; he asked for 2*l*.; Mrs. Kilner said she had 1*l*. 16*s*. in the till; she asked who he was; he said, "I am an agent of the Carlton Club, come down to assist in the election." Then when I went to Mr. Barnet he said to me, "I will not acknowledge him in any way whatever." This was on the Friday after the election, after my return from Birmingham; "I never authorized him; I believe from all inquiries about him he is not correct; he is not true; that he has not come from the Carlton Club." I went up again, and I said to Mr. Barnet, "It is a pity this poor fellow should be kept in the state he is; he cannot get away; he was of very great use that night at my house, in keeping voters at my house; we should not have kept them without him, and in protecting my wife and family when they were assaulted." He said, "Well, poor fellow, it is a pity he should not go, if he will; you may pay his bill, and you may lend him 3*l*." He wanted 5*l*., but I said, "I will give you four," and I did it upon my own authority.

5910. When you gave that bill to Mr. Barnet, for the advance to Patch, he did not repudiate it, and say he would not pay it?—No.

5911. Did you charge it in the shape of money lent?—I did.

5912. Did you also guarantee his bill at the Turk's Head?—I did; he wanted me to give him 10*l*. to pay his bill; I said, "No, I will not do that;" the bill was 8*l*. 13*s*., or something of that kind.

5913. You gave Mr. Lates a guarantee?—I gave him a verbal one only.

5914. At whose request did you give that guarantee?—At Mr. Barnet's, in consequence of what I had said to him.

5915. What was the guarantee which you gave?—I said, "I will see you paid this money," or "You may take my responsibility for it."

5916. Did you tell Mr. Lates you had authority from Mr. Barnet?—I believe not; I am not sure.

5917. Will

*James Kilner.*

27 March 1841.

5917. Will you swear that you did not?—I am not sure; I might have said so, but I am not sure; it is very likely I did, but I am not sure.

5918. To go back to the eating and drinking at your inn; were all the things you have charged for here, eating, drinking and so on, all consumed on that Monday night and Tuesday?—Yes, on the Monday night and Tuesday. I cannot speak to the books; I did not enter them.

5919. There were 62 pints of champagne?—I understand so.

5920. You have charged 15*l.* 12*s.* for 62 pints of champagne?—Yes.

5921. Twenty-four dinners, at 2*s.* 6*d.* each?—Yes.

5922. Sixty-eight bottles of sherry, 17*l.*?—Yes.

5923. Seventy bottles of port, 17*l.* 10*s.*; 92 bottles of brandy, 25*l.* 4*s.*?—Yes.

5924. Fifty-two glasses of ditto, 1*l.* 5*s.* 6*d.*?—Yes; it ought to have been 51 glasses.

5925. Rum, 1*l.* 10*s.*?—Yes.

5926. Gin, 3*l.*?—Yes.

5927. Ale, 12*l.* 4*s.*?—Yes.

5928. Two hundred and ninety cigars, 3*l.* 13*s.*?—Yes.

5929. Did they smoke?—Yes, they did smoke.

5930. Fourteen shillings and eight-pence for tobacco; that the gentlemen smoked with clay pipes, I suppose?—Yes.

5931. Fifteen shillings for whiskey, and only 10*s.* worth of soda water; is that so?—That is correct.

5932. That is what you charged?—That is what I put down; there is no charge made.

5933. "Meats, suppose about 26*l.*, bread ditto;" that is, "suppose about 8*l.*;" is that right?—That is correct.

5934. "Grocery, ditto, 5*l.*; beds, 39*l.*?"—No, that is nothing; the beds were left blank.

5935. How many beds were there?—I will look in the other book; the beds were put there; 1*l.* is charged for beds.

5936. Twenty-four dinners, 3*l.*; champagne, 15*l.* 10*s.*?—It is the same, except some additions.

5937. Making it up to the 150*l.* here?—Yes.

5938. Beds are 1*l.*?—Yes.

5939. How many beds were used?—There were three or four commercial gentlemen that night; I am thinking what beds I had in the house; there were about 10 or 12 beds.

5940. Were they used by the people who had been eating and drinking?—Yes.

5941. Without paying?—Yes.

5942. How many were there staid during the Monday night in your inn?—I should think 100; I speak generally, I cannot say precisely.

5943. In whose handwriting are the words "Davis's account" at the bottom of Mr. Wilkins's bill?—In my own.

5944. What does that word "Davis's account" refer to?—The opposite side; a few shillings' worth he had.

5945. When you tore out Davis's account with the remaining few accounts from your book, did you take out the corresponding leaf in the sheet?—It became loose, and I took it out in consequence.

5946. You tell me there were about 100 persons, more or less, in your house during the Monday night and Tuesday morning?—I think about that.

5947. Had persons to that same number been present during the greater part of the Monday?—No, not so many; I should think there were by the Monday afternoon.

Mr. Serjeant *Wrangham* requested, though he did not feel prepared to object to the evidence, that it might not be considered that he admitted any connexion between Mr. Barnet and the proceedings at the New Inn.

5948. Mr. *Austin*.] You tell me there were 100 people there; were the liquor and other things to the amount you have charged consumed by those people on those two days and nights?—I believe they were.

5949. There were something like that number, 62 pint bottles of champagne, and so on?—Yes; I believe those are correct.

James Kilner.

27 March 1841.

5950. Did any body happen to get drunk in the course of the day?—A good many, I believe.

5951. Were they very drunk?—Yes; I saw one or two very drunk, but I was in the bar mostly; I did not go much into the long room.

5952. Do you know a man of the name of Marlow?—I do; he was very drunk.

5953. Was he all night in the house?—He was.

5954. Were several of them very drunk during the night?—There were some drunk, some very drunk, but I cannot speak from personal knowledge; I did not go much into the long room; I left that to Mr. Patch.

5955. I ask you to your own knowledge; I understand you to say you saw many of them drunk?—I saw one or two.

5956. Do you mean to say that you did not see more than one or two very drunk?—I do not say that; I saw more than two that were very drunk.

5957. How many did you see drunk *simpliciter*?—Those are points I have not means to discuss.

5958. Do you know the difference between a sober and a drunken man?—Yes.

5959. How many did you see that were not sober?—I will not say that I saw 50 that were not sober.

5960. Will you swear there were not 50 that were not drunk?—No; I did not see 50 that were drunk.

5961. You will swear that?—Yes; I am speaking of what I saw in my house.

5962. Did you see 40 that were drunk?—I cannot tell, I am sure; I think there were not 50, but I cannot tell exactly.

5963. You will not swear to any number under 50?—No.

5964. Were they making much noise all night?—Yes, a great noise.

5965. Shouting and singing?—I heard no singing.

5966. Were they too far gone for that?—No.

5967. Did they stamp or beat the tables?—No; there was great excitement caused by the row outside.

5968. Have the goodness to come to the row inside first; did they make much shouting?—They were talking and laughing; there was not much uproariousness.

5969. You thought it a decent night?—Well, it was; it was a decent night where I was.

5970. You were in the bar; you were decent, of course; you saw Marlow drunk, you say?—Yes, he was very drunk.

5971. Did you see a man of the name of Burns there?—I am told he was there, but I did not know him when I saw him again.

5972. Did you see John Taylor there?—Yes.

5973. Was he drunk?—Yes.

5974. Did you see Tunks?—I know him now, I did not know him before; I do not recollect seeing him there at all.

5975. Did you see William Wood there?—No, I do not recollect seeing him.

5976. Did you see Gould?—I do not know him.

5977. Do you know Thomas Profit?—I know him now; I did not know him then.

5978. Did you see Briggs or Biggs there?—I did not know him by that name; I think that was the man that was wanted, but I am not sure.

5979. Was there much sherry and port wine and brandy, and so on, drunk on the Tuesday morning?—I do not know, for I was not much in the house; I was in the house, but I did not stop.

5980. Did you see any drinking going forward the next morning?—Yes, I did see some going on.

5981. Was that while the poll was going on?—Yes; there were a good many brought into my house for refreshment, that came, I think, from Coseley; they were brought over to protect the peace, and they had refreshments at my house.

5982. Did you see other persons there besides those on the Tuesday?—I saw a great many.

5983. Were they drinking or eating?—Both.

5984. Did they pay?—Part of them did, and part did not.

5985. With respect to those who did not pay, are the charges put in that account, entitled "Opening day"?—They are included in that account.

5986. What is the meaning of "Mr. Philpott's men"?—That is the item I am speaking of.

5987. You

5987. You have charged in this large book, at page 54, 12*l.* odd, refreshments for voters on the polling-day?—Yes, not for voters.

5988. Look at the entry?—They are not voters, they are the men I am speaking of.

5989. You have charged refreshments for voters?—Yes, but that is wrong.

*James Kilner.*

27 March 1841.

[*The following Accounts, entered in the Books of the Witness, were read:*]

1841:		Mr. Wilkins:	£.	s.	d.
January	26	Dinner 2 <i>s.</i> 6 <i>d.</i> ; brandy 1 <i>s.</i> ; tea 2 <i>s.</i> 6 <i>d.</i> - - - -	-	6	-
		Brandy 1 <i>s.</i> ; cigar 3 <i>d.</i> ; fire 1 <i>s.</i> - - - -	-	2	3
		Bed 2 <i>s.</i> 6 <i>d.</i> ; rooms 5 <i>s.</i> - - - -	-	7	6
"	27	Breakfast 2 <i>s.</i> 6 <i>d.</i> ; soda 6 <i>d.</i> ; dinner 2 <i>s.</i> 6 <i>d.</i> - - -	-	5	6
		Ale 4 <i>d.</i> ; brandy 1 <i>s.</i> ; tea 2 <i>s.</i> 6 <i>d.</i> - - - -	-	3	10
		Brandy 1 <i>s.</i> ; cigar 3 <i>d.</i> ; rooms 5 <i>s.</i> - - - -	-	6	3
"	28	Fire 1 <i>s.</i> ; bed 2 <i>s.</i> 6 <i>d.</i> ; breakfast 2 <i>s.</i> 6 <i>d.</i> - - -	-	6	-
		Brandy and soda 1 <i>s.</i> - - - -	-	1	-
		Brandy 1 <i>s.</i> ; cigar 3 <i>d.</i> ; bed 2 <i>s.</i> 6 <i>d.</i> - - - -	-	3	9
"	29	Room fire 6 <i>s.</i> ; breakfast 2 <i>s.</i> 6 <i>d.</i> ; brandy and soda 1 <i>s.</i> -	-	9	6
		Dinner 5 <i>s.</i> ; washing 2 <i>s.</i> ; tea 2 <i>s.</i> 6 <i>d.</i> - - - -	-	9	6
		Brandy 1 <i>s.</i> ; cigar 3 <i>d.</i> - - - -	-	1	3
		Bed 2 <i>s.</i> 6 <i>d.</i> ; fire 1 <i>s.</i> ; room 5 <i>s.</i> - - - -	-	8	6
"	30	Breakfast 2 <i>s.</i> 6 <i>d.</i> ; brandy and soda 1 <i>s.</i> - - - -	-	3	6
		Dinner 5 <i>s.</i> ; post order 60 <i>s.</i> 6 <i>d.</i> - - - -	-	5	-
		Sherry 4 <i>s.</i> ; bitters 6 <i>d.</i> ; filberts 1 <i>s.</i> 6 <i>d.</i> - - -	-	6	-
		Teas 2 <i>s.</i> 6 <i>d.</i> ; brandy 3 <i>s.</i> ; cigars 6 <i>d.</i> - - - -	-	6	-
		Brandy 3 <i>s.</i> ; bed 2 <i>s.</i> 6 <i>d.</i> ; fire 1 <i>s.</i> ; room 5 <i>s.</i> - - -	-	11	6
"	31	Breakfast 5 <i>s.</i> ; dinners 5 <i>s.</i> ; sherry 2 <i>s.</i> 6 <i>d.</i> - - -	-	12	6
		Brandy 4 <i>s.</i> 6 <i>d.</i> ; cigars 2 <i>s.</i> - - - -	-	6	6
		Gin 2 <i>s.</i> ; port 1 <i>s.</i> ; teas 5 <i>s.</i> - - - -	-	8	-
		Bed 2 <i>s.</i> 6 <i>d.</i> ; bed 2 <i>s.</i> 6 <i>d.</i> ; fire 1 <i>s.</i> ; room 5 <i>s.</i> - - -	-	11	-
February	1	Breakfasts 5 <i>s.</i> ; brandy 2 <i>s.</i> 6 <i>d.</i> ; teas 5 <i>s.</i> - - - -	-	12	6
		Brandy 2 <i>s.</i> ; cigars 6 <i>d.</i> ; beds 5 <i>s.</i> - - - -	-	7	6
"	2	Breakfasts, fire-room, 5 <i>s.</i> ; bitters 4 <i>d.</i> ; brandy 2 <i>s.</i> -	-	13	4
		Cigars 6 <i>d.</i> ; dinners 5 <i>s.</i> ; wine 5 <i>s.</i> - - - -	-	10	6
		Brandy 5 <i>s.</i> ; cigars 9 <i>d.</i> - - - -	-	5	9
		Beds 5 <i>s.</i> ; fire 1 <i>s.</i> ; room 5 <i>s.</i> - - - -	-	11	-
"	3	Breakfast 7 <i>s.</i> 6 <i>d.</i> - - - -	-	7	6
			£.10	13	4
			Davis's account		
			10	7	11
				5	9
			10	12	8
		Mr. St. Clare:			
January	31	Brandy 2 <i>s.</i> ; gin 2 <i>s.</i> ; cigar 4 <i>d.</i> - - - -	-	5	-
		House 3 <i>s.</i> 7 <i>d.</i> ; brandy 3 <i>s.</i> 6 <i>d.</i> - - - -	-	7	1
February	1	Gin 3 <i>s.</i> ; soda 1 <i>s.</i> 6 <i>d.</i> ; brandy 3 <i>s.</i> - - - -	-	4	9
		Bitters 2 <i>d.</i> ; luncheons 8 <i>s.</i> - - - -	-	8	2
		Ale 1 <i>s.</i> 6 <i>d.</i> ; sherry and soda 9 <i>d.</i> - - - -	-	2	3
		Brandy 1 <i>s.</i> ; ale 1 <i>s.</i> 9 <i>d.</i> ; house 4 <i>s.</i> 10 <i>d.</i> - - -	-	7	7
			£.1	17	3
			Brandy 2 <i>s.</i> ; oats 5 <i>d.</i>		
			-	2	5
			1	17	3
		On a loose leaf torn out of the book.			
		Opening Day:			
February	1	24 dinners at 2 <i>s.</i> 6 <i>d.</i> each - - - -	3	-	-
		Champaigne, 62 pints - - - -	15	10	-
		Sherry, 68 bottles - - - -	17	-	-
		Port, 70 bottles - - - -	17	10	-
		Brandy, 42 bottles, 12 <i>s.</i> - - - -	25	4	-
		Ditto, 52 glasses - - - -	1	5	6
		Rum - - - -	1	10	-
		Gin - - - -	3	-	-
		Ale - - - -	12	4	-
		Cigars, 290 - - - -	3	13	-
		Tobacco - - - -	-	14	8
		Whiskey - - - -	-	15	-
		Soda Water - - - -	-	10	-
			Carried forward	£.	101 16 2



5996. Have you any claim against Mr. Barnet or Mr. Gladstone on account of them?—Not on account of them; the only claim I have is for 23*l.* 19*s.* delivered in.

5997. My learned friend has asked you whether you intended or did not intend to be paid; I will ask you the question, did you or not intend to be paid by Mr. Barnet or Mr. Gladstone for any part of that account, except that part of the account you have delivered to Mr. Barnet?—I did not, decidedly.

5998. I ask you whether, at the time those expenses were incurred, you did or did not intend to be paid by Mr. Barnet or Mr. Gladstone?—I did not.

5999. That you swear decidedly?—Yes, I do.

6000. I need hardly ask you whether any part of those expenses about which my learned friend has been examining you, with the exception of those delivered in to Mr. Barnet, were ever authorized or sanctioned by Mr. Barnet?—They were quite the reverse; I was told they would not sanction any expenses at all, and I was blamed by Mr. Barnet for allowing parties to be eating in my house when they ought to be out working in the election; he said he would not sanction any expenses, and blamed me for allowing parties to be eating in my house when they ought to have been working in the election.

6001. Was that when you went with Mr. James to Mr. Barnet on the nomination-day?—Yes.

6002. That arose from your wife having inquired of you who was to pay for those expenses?—Yes.

6003. Then Mr. James was deputed by her to go to Mr. Barnet?—Yes, unknown to me; but I happened to meet him in the passage.

6004. You went to Mr. Barnet to ask him the question, and the answer you received was, that he refused to sanction any expenses whatever, and blamed you for allowing them to be there?—Yes, and he sent a message over to my house to that effect.

6005. By whom?—By Mr. Thomas James.

6006. Do you recollect what that message was which he sent?—I do not.

6007. Was it in a note?—There was a note sent by him to Mr. Charles Brookes; I did not read the note.

6008. Did Mr. Barnet at the same time say what he had written in the note?—Yes; he was very angry, and said he should write to Mr. Charles Brookes.

6009. That note Mr. James took to Mr. Charles Brookes, who was one of the dinner party?—Yes.

6010. There was, you say, a note written by Mr. Barnet; before he wrote he said in your presence that he would write to Mr. Brookes, to express his anger at those proceedings?—He did.

6011. That note you took over?—That note Mr. Thomas James took over.

6012. Besides writing that note to him, did Mr. Barnet in the strongest terms express his disapprobation of what was going on, and his refusal to sanction any of those expenses?—He did, and I rather thought in too strong terms, for it was not my intention to have any friends in my house; they came quite unexpectedly.

6013. Do you mean that he spoke hotly?—Sharply.

6014. So much for what Mr. Barnet said to you; when you went over in the middle of the day, did Mr. Barnet, at any time previous to the time when you went over to him, give you authority or give you any sanction for incurring any part of those expenses?—No.

6015. Has Mr. Barnet, at any time since, held out to you the smallest expectation of payment?—Never.

6016. Has he not uniformly throughout disapproved of it, and refused to sanction it?—He has uniformly.

6017. You have told my learned friend that you do not intend to go unpaid altogether?—No.

6018. That is as far as you had found any intention?—I beg pardon; I said I did hope not to go unpaid, but I should not ask any one for it.

6019. Your hope is that your learned friends will take care you are not a loser by it, but you have no expectation of it either from Mr. Barnet or Mr. Gladstone?—Not the slightest.

6020. Or any parties in any way connected with them?—No; I think my friends in Walsall know pretty well that I should have opened my house at my own expense on such an occasion.

*James Kilner.*

27 March 1841.

6021. I believe you were a very warm partisan in the election?—I have been so.

6022. You took a great interest in the success of this election?—I did, a great interest.

6023. I hope you will think I am not impertinent in asking whether you are a person of considerable property?—No, I am not.

6024. Yours is a considerable house?—It is the second inn in the town.

6025. You have a considerable capital embarked in the house?—It took a considerable sum to take to it.

6026. You would rather be at the loss of the money than there should be a difficulty from parties in the town being applied to for it?—Yes; if another election came, I should open my house again in the same way.

6027. Mind, I give you no authority as Mr. Gladstone's counsel for that; on the contrary, unless there were very serious reasons for it, I should advise you not to do it, but to check your liberality; you say you left the men in the long room to Mr. Patch or Davis?—I did.

6028. Did he make himself very active?—At my request, he came to me about noon, and told me the election would not be won unless the voters were got together, for the opposite party were stealing them, he said "kidnapping them," which we found to be actually the fact.

6029. Was it on Patch's representation partly of the danger incurred by the voters from the other side that you permitted them to go on in your house?—It was, and it was merely from the urgency of the case I admitted them, for I would not have any thing of the kind except on election matters.

6030. I understand you to say that, with the exception of the dinner ordered by the gentlemen from Dudley, there had been no preparation made?—There had been no preparation made, except for the commercial travellers, at four o'clock, in the small room.

6031. There was no preparation for what my learned friend calls an entertainment?—Not at all.

6032. Am I to understand you that this entertainment arose from parties coming in, as you say, promiscuously, and joining the party assembled at dinner in the first instance?—It did.

6033. And then extending itself over the other part of the house?—Yes; there was very little of it until Mr. Patch brought the voters in; he brought some voters in, as I heard.

6034. Did you see him bring the voters in?—No, I did not.

6035. You have spoken to a considerable number that might have been present; do you mean that all the people that were there were voters?—Not one-tenth part of them; I do not believe they were a tenth part of them voters, on the day of the election particularly; not one-tenth part of them.

6036. Were they all voters on the day of nomination?—No, nor one-fifth part of them that day; I am not aware there was a single voter at the dinner table except Charles Brookes.

6037. *Committee.*] Do you not mean in the long room?—No.

6038. Mr. Serjeant *Wrangham.*] For what number was the dinner ordered?—It was ordered as an ordinary; there were about a dozen said they would dine, and there were others joined them.

6039. Others joined them, so that the party never, in fact, broke up till the next morning?—No.

6040. The party itself being kept up by some parties until the next morning?—Yes.

6041. That circumstance created a difficulty, in fact, as to the mode of charging the account?—That is the only reason I did not divide the bill; I could not do it.

6042. Have you had applications from any of the guests since, to know what their share was?—Several.

6043. Has the circumstance I have referred to prevented your making out the account of each man's separate shot?—It has.

6044. Does that apply to the whole of that account?—The account of the Monday's dinner with the champagne was made a part of the account.

6045. That was drunk at the dinner table?—It was.

6046. The rest was drunk, as I understand, in the other part of the house?—Yes.

6047. If

*James Kilner.*

27 March 1841.

6047. If it was difficult to apportion the bill among the gentlemen at the dinner table, it was not easier to apportion that among the persons below?—It was perfectly impossible.

6048. Am I to understand that you were willing to stand the risk of being paid or not paid, as opportunity might result, rather than refuse refreshment to persons who were there?—Rather than lose the election, which might have been the case; the voters might have been stolen away.

6049. You have said that you knew of cases of voters having been stolen away by the other party?—Not personally.

6050. Had information reached you of such a nature as to lead you to apprehend that at the time you gave this entertainment?—I know one voter left my house and went to Mr. James's at the 'Change, and was stolen away from the place.

6051. Mr. *Austin*.] Did you know that yourself?—No; but I heard of it.

6052. Mr. Serjeant *Wrangham*.] But information of that kind had reached you at the time you gave this entertainment?—Yes.

6053. You had that apprehension upon your mind from information you had received?—Decidedly.

6054. You have said that Patch stated to you that he had no authority from any one in Walsall, but that he was agent for the Carlton Club?—He told Mrs. Kilner so in the first place, and afterwards, when he came to get his expenses allowed him, he said, "You will tell Mr. Barnet, if he will only pay my expenses, the Carlton Club will payme for my trouble; but I cannot get to London without my expenses."

6055. He represented that the only difficulty he had was in getting his expenses paid to get to London, for that then he should be paid for his trouble by the Carlton Club?—Yes.

6056. That he was not agent for any one in Walsall, but for the Carlton Club?—Yes; when he first came down, he represented at my house that he was an agent from the Carlton Club, with unlimited funds.

6057. Which unlimited funds were so exhausted that he had not a shilling in his pocket?—Just so.

6058. Did he ever ask you to lend him any money in the course of the election?—He came down on Monday evening between 10 and 11 o'clock and said, "Mr. Kilner, Mrs. Marlow is up-stairs; she has had 15*l.* offered her by the other party; he is a poor man, and cannot lose it; will you give me 5*l.* to give to Marlow? we shall keep him with us for that;" and I said, "No, I could not."

6059. You employed him to attend to the party drinking in this large room?—Yes, I told him I should be obliged to him to do so in the whole of the house, and I gave the keys of the house up to him to do it; I mean the keys of the outer doors, of course.

6060. When some of them had got drunk, they wanted to open the outer doors?—There was a great row outside, and the voters wanted to get away and go and disperse the mob by force of arms; I said, "No; I know the men are decided partisans against me, and if there is a row in my house I shall have all the blame thrown upon me." They came in, and broke down the gates.

6061. The outer gates were locked, and kept locked?—No, they were bolted and barred.

6062. In order to keep the party within from sallying out on the party without?—Yes; and to keep the party without from getting in.

6063. You kept them fastened to prevent any of the people in your house sallying forth to attack the crowd who were beleaguering you?—Yes, or letting them go away; for we had information from persons that came in, that the party were about to take off any voters that were in my house in chaises, and we kept them in to prevent that being done.

6064. It was partly to prevent a hostile collision in your house and in the street, and partly to prevent the kidnapping of the voters, you kept the doors closed?—It was.

6065. The next morning, when any of those parties wished to leave the house after daylight, was there any restraint put upon them?—Not to my knowledge; I went to bed at six o'clock in the morning, and I laid till eight; I know that one man left my house and was kidnapped after that.



*James Kilner.*

27 March 1841.

6066. On what day was it that Patch came to you on the subject of his bill at the Turk's Head?—He waited till Friday morning, when I returned from Birmingham.

6067. Did Patch then apply to you on the subject of his bill at the Turk's Head?—He did.

6068. Did he state to you his inability to pay it?—He did.

6069. He represented himself as destitute of the means of leaving the place?—He did.

6070. At that time you supposed Patch to be an honest man?—I did, most decidedly; I thought he had been of very great use and service in my house during the night of the election.

6071. In keeping order among the people in the room?—Yes; and if Mr. Barnet had not given authority to pay Patch, I should have paid him out of my own pocket.

6072. Patch only asked the means of leaving the place?—He asked me to guarantee his bill, and give him 5 l.

6073. He asked you for the means of leaving the place, his reward being to be given by the Carlton Club in London?—Yes, his reward for his services, to be given by the Carlton Club.

6074. And he represented it as a case of compassion for his distress?—Entirely so; I was very sorry for him, and so was Mrs. Kilner.

6075. And Mrs. Patch too, I dare say?—I do not know; I never saw her.

6076. Did he tell you that Mrs. Patch was there with him?—Yes.

6077. Mrs. Kilner was tender-hearted, too, for the distress of these people?—I suppose she was; she did not object.

6078. Was it on that ground you interceded with Mr. Barnet on his behalf?—It was entirely; I never looked upon him as agent; for I had been informed before that he was not.

6079. It was as a case of compassion you requested Mr. Barnet to interfere?—Yes.

6080. Having found him useful in your house?—Yes.

6081. Mr. *Austin*.] Did you tell Mr. Barnet that?—Yes, I did.

6082. Mr. Serjeant *Wrangham*.] Did he ask for the money as a present or a loan?—He asked for it at first as a present, and then as a loan; and he told me at the same time he had sent a note to Mr. Barnet requesting a loan, and that Mr. Barnet had not replied to it.

6083. Was it as a loan you asked his authority to advance it?—I asked Mr. Barnet to give me the money, for I really felt sorry for the fellow; and he said, "No, you may lend it him;" he did not authorize me to give it him.

6084. Patch had told you he had written to Mr. Barnet to ask him to lend it him?—He had.

6085. Did Mr. Barnet state for what purpose you were to lend him the two or three pounds?—To pay his wife's fare and his own to London; he said, "Three pounds is quite enough;" I said, "I think he must have four;" and Mr. Barnet said, "I will leave it with you."

6086. Did you go back from Mr. Barnet to Patch?—To my house; I sent for Patch there, and I saw him in the presence of Mrs. Kilner.

6087. Had Patch told you of his having been knocked down, and losing his hat in the course of the election?—I heard that; but not in the course of the election.

6088. You were aware of the fact?—Yes; but I did not hear it from Patch.

6089. Did you take that into consideration, in considering his case, as well as his exertions at your house?—Yes; his exertions were of very great service; and he was in very great danger at the time of the fray at my house; he might have been killed.

6090. You thought he behaved very well?—I did.

6091. You tell me Mr. Patch told you that he had no authority from any one in Walsall, that he had come from the Carlton Club; did you learn the same fact from Mr. Barnet?—Yes; Mr. Patch said Mr. Barnet would not give him authority; Mr. Barnet said no, he repudiated him altogether; he did not consider him a true man; I disagreed with Mr. Barnet upon that; I thought he was.

6092. By

*James Kilner.*

27 March 1848.

6062. By a true man, you mean, that he thought he was a spy?—That he thought that he was not a real Conservative; that he was with the opposite party, and was a spy.

6093. That was the impression under which you were when you advocated his cause?—It was, decidedly; I thought he was as warm in the cause as I was myself.

6094. Then Mr. Barnet, on your representation, authorized you to release him from the Turk's Head, by guaranteeing the payment of his bill, and also to make this advance to him in the way you have spoken of?—Yes, 3*l.*; and I gave him 4*l.*, and 1*l.* 15*s.* or 1*l.* 16*s.* he had had before.

6095. Did Patch give many orders that night for liquor?—I really cannot say, for I did not attend to the giving out liquor at all; I never do.

6096. I understand that a violent attack did take place?—It did.

6097. Where did the mob outside direct their attack against?—Against the gates opening into the yard; first the front of the yard; they could not get into the house without going through the gates.

6098. There is an archway over from the street or square?—From the street.

6099. Leading to the square?—It is rather a square in front of the street.

6100. There is a square in front of the street?—There is.

6101. One side of your house abuts upon that square?—It is a little above it.

6102. How far is that from the square?—About 100 yards.

6103. Out of the street there is an archway, in which there are wooden doors?—Large wooden doors.

6104. In this archway, after you come through the doors, the front door of your inn opens?—Yes.

6105. Those doors were closed, bolted and barred?—Yes.

6106. Were they very strong, stout timber doors?—They were.

6107. Capable of resisting a great deal of violence?—They were; we had a small door, which we opened; a sort of wicket.

6108. Were those doors broken through by the mob?—The small door was broken through; they carried a large poll 10 feet long, and we took hold of that and drew it through into the yard, and then they got other poles and broke the door off its hinges.

6109. Did they break into your premises?—They came in there; they broke the outer door open; it is half glass, with shutters; they broke an iron screw of the thickness of my finger; they broke it in two, and slipped it off; they broke the glass windows; they broke the window frame, and burst open the door.

6110. Were you within the door when the door was battered?—I was standing inside with a fire shovel in my hand, the only weapon I could get; I could not get a poker; they were all used.

6111. Did the mob outside appear to you to be armed with any weapons?—With bludgeons and with sticks; we sent one man to prison for three weeks; I produced before the magistrates iron stanchions, and a pole 10 feet long, and several staves about three to five feet long each, very heavy stakes, very formidable weapons indeed, which had been taken from them in the conflict.

6112. Did they keep those weapons quiet, or did they make an active use of them?—I have a mark which shows that they made an active use of them.

6113. You had your head cut open?—I had.

6114. And you bear the mark still?—And I shall carry it to my grave, I believe.

6115. Were there a number of other persons who as well as yourself were severely wounded upon that occasion?—Several; Mr. Thomas Dixon was wounded twice.

6116. Were there a great number of persons wounded upon that occasion?—At least six or eight.

6117. Severely wounded?—Yes.

6118. Did you succeed in repelling them?—We did.

6119. And they for a time retreated?—They did; Mr. Acland, of corn-law notoriety, came on the opposite side, and harangued them from the opposite street; he came to the front of my house, on the steps opposite my door, and harangued the mob, when the mob were in the middle of the attack; I did not hear myself, but my opposite neighbour heard him, and told me.

*James Kilner.*

27 March 1841.

6120. The attack was afterwards repeated?—The last attack I am speaking of now.

6121. There had been an earlier attack?—The first attack was at 12 o'clock at night, when I was wounded.

6122. Did those attacks keep all in the house in a state of apprehension during the night?—Of course, great excitement; my niece fainted for four hours together.

6123. My learned friend has asked you on the subject of this account of Nightingale, which is on a separate piece of paper; do I rightly understand you that this contains the same items as the bill which you have delivered on account of Nightingale to Mr. Barnet?—Precisely so.

6124. That is not itself the account you delivered to Mr. Barnet, but it contains the same items?—Yes; it is a separate account.

6125. On the other side there is an entry under the head of the "Opening day," a considerable sum, 140*l.* and so on?—Yes.

6126. That was never presented to Mr. Barnet as an account to be delivered to him?—Never; when he asked to see my papers I gave it to him.

6127. After this Committee had assembled?—After the receipt of the warrant.

6128. With a view to this Committee?—Yes.

6129. He asked to see your books and papers?—He did.

6130. And he then saw this paper?—He did.

6131. This paper was at that time torn out of your book?—It was.

6132. You do not mean that you tore it out, but it had been torn out immediately after the election?—Yes.

6133. When you say since you got your warrant, I suppose you are speaking of ten days ago?—Yes.

6134. That is the only occasion upon which Mr. Barnet has seen this entry?—Yes; I could not find that paper when Mr. Barnet asked to see it first, and I showed him my other book; Mrs. Kilner was out, and I could not find it, and he sent for it afterwards.

6135. Do you remember whether Mr. Barnet then told you that you were to bring these papers and books before the Committee?—He did.

6136. Can you tell us what was meant by the words "Opening day"?—It was not my writing, it was Mrs. Kilner's; I do not know anything about it.

6137. It was not your handwriting?—No; I was not at home at the time.

6138. Monday was the opening day of the election?—Monday was the nomination-day.

6139. Mrs. Kilner made that entry; what she meant by "Opening day" you do not know?—No; this is copied from a slate where the score was kept.

6140. So this account stood when you came home on the Friday?—It did in the book.

6141. The Friday after the election?—Yes.

6142. This was not made when you left Walsall?—It was not; I never saw the marks on the slate.

6143. Was it on that Friday that Patch came to you about his expenses?—On Friday morning; by-the-by, I must say that Mr. Patch made application twice to my wife, in my absence, to allow him to make out the account.

6144. We cannot hear from you what he said to your wife; but on the Friday, when he returned, he then came to you to renew his application to you to intercede on his behalf with Mr. Barnet?—Yes.

6145. Was that the time when he suggested to you a different mode of drawing up your account?—It was.

6146. Mr. Patch represented himself to you as a Parliamentary agent?—He did; he gave me his card as "Parliamentary agent, Westminster."

6147. You do not happen to have that card, do you?—No, I have it at home; it had the street and the number on, No. 20.

6148. Was it Parliament-street?—Parliament-street.

6149. Did he tell you that it would all be paid after the election?—He did.

6150. Did he tell you who was to pay it?—No, he did not say that; he said, "It is usual in these cases."

6151. Did he make any suggestion that the Carlton Club was to advance the money?—No.

6152. But he had told you before that he came from the Carlton Club?—He had.

6153. In

*James Kilner.*

27 March 1841.

6153. In short, he undertook to see you paid if you drew it out in this way?  
—Yes.

6154. And therefore you followed his suggestion, and wrote according to his dictation?—I did entirely.

6155. This, I understand, to be your own entry?—It is my own entry.

6156. When you made this entry in this book, copied from the paper you wrote at Mr. Patch's dictation, did you make it from feeling in your own mind that you had any claim whatever upon Mr. Barnet or upon Mr. Gladstone?—I did not, because I knew I had no claim; Mr. Barnet told me decidedly that I had no claim.

6157. Did you do it with the remotest intention of making any charge against either of those gentlemen?—I have always said that I never would.

6158. Or any person on their behalf?—Or any person on their behalf; I have no charge to make against any person.

6159. I think you told my learned friend that if even he would pay you, you would not receive it?—Yes.

6160. And you are in hopes that some of your friends may pay you?—Yes.

6161. But you have no claim upon any one, and you have no expectation of being paid by either Mr. Barnet or Mr. Gladstone?—No.

6162. Nor any one on their behalf?—No.

6163. I see that the four first items in this account are entered separately from the rest of the account?—They are.

6164. And cast up separately from the items in the general account?—Quite so.

6165. Then the general account is cast up, and then there is a separate item introduced, the bill-poster's account?—Yes.

6166. Do those five entries, the four first of which are cast up separately, 20*l.* 7*s.* 7*d.*, and the latter of which is added at the bottom of the account, embrace all the bills which you have taken to Mr. Barnet, or for which you have any claim or expectation of being paid by Mr. Barnet?—They do.

6167. The 10*l.* 12*s.* 8*d.* being for the expenses of Mr. Wilkins, the barrister?  
—Yes.

6168. Do you know what Mr. Wilkins did at Walsall; did he make speeches?  
—He did.

6169. Against Mr. Acland?—Against Mr. Acland.

6170. His province was to speechify in favour of the corn laws?—Against the corn-law question altogether.

6171. That is to say against the repeal of the corn laws, as Mr. Acland was spouting in favour of the repeal?—Yes.

6172. Mr. Wilkins was brought down special to be heard on the other side?  
—Yes.

6173. And Mr. Wilkins remained at your house?—He did.

6174. How long was he there?—The bill will show; about a week or thereabouts.

6175. And Patch, 5*l.* 16*s.*?—For cash lent.

6176. One pound sixteen shillings having been lent towards his expenses to Manchester, and the other 4*l.* being afterwards lent partly on the authority of Mr. Barnet?—Yes.

6177. Nightingale, 2*l.* 1*s.*, his expenses; St. Clare and companion, 1*l.* 17*s.* 3*d.*; and the bill-poster's account, 3*l.* 6*s.* 4*d.*?—Yes.

6178. Are these all that you ever conceived yourself to have a claim for upon Mr. Barnet or Mr. Gladstone?—They are all I have a claim for at all, upon any person whatever.

6179. Are they all that, either before or since, you have ever received any authority for, either from Mr. Barnet or from Mr. Gladstone, or on their behalf?  
—They are; and a considerable loss besides in the repairs of windows and gates; about 20*l.* is the loss; all the windows were broken entirely.

6180. You told my learned friend that you had no conversation with Mr. Barnet since the time at which you spoke to him about Patch, immediately after the election, except that Mr. Barnet has asked you whether you had any demand against the committee?—Yes.

6181. Have you had any conversation with Mr. Barnet since the election, except his asking you whether you had any demand against the committee, till he saw your books after this Committee had been appointed?—No, I believe not; about

*James Kilner.*

27 March 1841.

about election matters I am sure we have not; I did not go to his office after I delivered that account till the time I went about this Committee.

6182. Since the time when you interceded for Patch, you have had no conversation with Mr. Barnet on the subject of the election, except his asking you whether you had any demand against the committee?—Yes; I delivered the account after.

6183. But after delivering the accounts?—None whatever, after delivering the accounts, till after the issuing of the warrants.

6184. My learned friend asked you whether you had seen Mr. Gladstone; you said you had seen him in the assembly-room; was that on the evening when he was addressing the electors present?—That is the only time I ever saw him.

6185. Did Mr. Gladstone, or did the speakers generally in the room, address them from a gallery in the room?—From a gallery on the left-hand side of the room.

6186. The place where the orchestra would be?—Where the orchestra would be.

6187. Mr. James was with you when you went to Mr. Barnet?—Yes, I went with him.

6188. And he heard what passed?—He did; he is very ill in bed, unfortunately; I heard of him yesterday morning.

6189. What is Mr. James?—He is in no business at present; he has been out at Demerara; he is the eldest son of Mr. John James, one of our manufacturers.

6190. He is a particular friend of your own?—He is.

Re-examined by Mr. *Austin*.

6191. Patch, you say, represented that the Carlton Club would see you paid?—No.

6192. Did Patch undertake to see you paid himself?—No.

6193. You never gave any credit to Patch?—There are a few things there charged on Wilkins's account.

6194. You did not incur those expenses on the credit of Patch?—No.

6195. My learned friend has asked you whether you are a very rich person; do you live by your inn?—Not altogether.

6196. Do you chiefly live by your inn?—I am a spirit-merchant as well.

6197. Do you chiefly live by your inn?—I do chiefly; I am now engaged as a commercial traveller merely for the accommodation of a friend of mine; I was in a situation with him 11 years, and I am going now upon a journey in Norfolk, but not to be out regularly after a short time.

6198. Have you any family?—I have.

6199. How many children?—Two children.

6200. Grown up?—The eldest is 13; the next 12.

6201. And a wife?—Yes.

6202. Do you consider that you are in a situation to make a present of 150*l.* to any body?—Unfortunately I have acted very often upon impulse, without consideration; I very often throw away money foolishly.

6203. Did you ever give 150*l.* before upon such an occasion?—Never such a large sum as that, but I often gave large treats.

6204. You never gave 150*l.* before?—No; I never was in a situation to do it so well as I am at the present moment.

6205. I do not understand you to say that you will not accept payment from Mr. Gladstone, in case he chooses to pay you when this petition is over?—I shall never ask Mr. Gladstone for a shilling.

6206. Do I understand you to say that you will not accept payment from Mr. Gladstone if he shall offer it to you?—I shall never present my account to Mr. Gladstone, and therefore he cannot pay me an account which I never present.

Mr. Serjeant *Wrangham* objected to the question.

Mr. *Austin* was heard in support of the question.

Mr. Serjeant *Wrangham* was heard in reply.

The *Chairman* stated that the Committee were of opinion that there was no objection to the question.

6207. Mr.

James Kilner.

27 March 1841.

6207. Mr. Austin.] Did I understand you rightly, that Mr. Barnet told you that he would not sanction any expense at your house?—Yes, that is the case.

6208. And I understand you to say you thought Mr. Barnet expressed his intention in too strong terms?—I thought he was angry about it.

6209. Did he?—I believe he did.

6210. Was that at the time when you saw him with Mr. James?—It was.

6211. Notwithstanding that expression of his, you did go on supplying the drink and the meat?—I did.

6212. You also say that Mr. Barnet has never held out any hope of payment to you?—He never has.

6213. Was that when you were talking to him upon the subject?—He never held out any hope at any time.

6214. When you say he held out no hope, was that at the time when you were talking with him upon the subject?—At any time he never held out any hope.

6215. Do I understand you to say that he told you that he would not be answerable?—He did.

6216. Was that upon the occasion when you saw him with Mr. James, or at other times?—When I saw him with Mr. James; that was the only time he was ever asked.

6217. Is that what you mean by saying that he has withheld his sanction at all times?—Yes.

6218. You gave the keys, as I understand you, to Mr. Patch?—He had them given to him not by me; I ordered them to be given to him.

6219. What keys were they?—The key of the front entrance into the house, not at the gate; there was no key to that; it was bolted and barred; and the key of the back brewhouse-door entrance, and the key of the stairs that led into the long room.

6220. Did those keys command the entrance into the house?—Yes.

6221. The whole?—The whole.

6222. So that nobody could come in if the person that had those keys kept them locked?—Yes.

6223. And nobody could get out for the same reason?—Yes.

6224. Is that a sketch of your house [*a sketch being shown to the Witness*] ?—It is; there is the street in the front, and there is the front door and the back door; there is the front room omitted.

6225. When were the keys given to Patch?—I do not know; some time in the course of the evening; perhaps it might have been 10 o'clock; from the state of excitement at the time, I cannot recollect things particularly.

6226. How long had Patch the keys in his custody?—I believe all night.

6227. When did he give them back to you again?—He did not give them to me.

6228. When did he deliver them up to you again?—I do not know.

6229. Will you swear that he gave them up again before the poll was opened?—No, I will not, because I was in bed.

6230. What time did you go to bed that night?—About six o'clock in the morning.

6231. At what time did you get up?—Between eight and nine; I only laid down on the clothes on the top of the bed, I did not undress.

6232. You have been telling my learned friend about an attack in the course of the night; what time was this attack made?—The time I was wounded was about 12 o'clock at night, as near as possible.

6233. At what time was the attack made?—At four o'clock in the morning.

6234. At what time was the last attack made?—There was no attack upon the house the first time; it was only an attack upon me personally.

6235. Where were you?—Letting a person out at the gate; I was just in front of the gate.

6236. How did you get the key to let him out at the gate?—There was no key to the gate.

6237. I thought Patch had the keys?—Patch had the keys, but he did not lock the doors; they were open most of the night; they were locked, but he opened them himself again.

6238. Where were you when you were letting those persons out?—At the gate.

6239. That was about 12 o'clock?—Yes.

6240. Were there many people there?—I should say perhaps 50 to a 100.

219.

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6241. Did

*James Kilner.*

27 March 1841.

6241. Did they try to get in?—No.
6242. How came they to attack you?—A friend of mine, whom I let out, I heard him cry out; I went to the gate to see what was the matter, and they were beating him with bludgeons on the head; he happened to be one of the other side.
6243. Who was he?—Thomas Forster; but they did not know who he was; and while I stood on the footpath before my gateway I received a blow on the head, but how it was given I cannot prove.
6244. You mean in a scuffle?—No, I saw no one; I was told afterwards that it was a stone thrown from a handkerchief from a sling.
6245. Thomas Forster was the name of the person you let out?—Yes.
6246. Had he been in the long room?—I do not think he had.
6247. Will you undertake to say that he had not been there?—I cannot say.
6248. How long had he been in your house?—I do not know.
6249. But you do know that he belonged to the other side?—I knew he did not vote for us, for he was concerned for the other party; he voted for neither side; he was an intimate friend of mine.
6250. Was he there to see you?—No; he was there to have a glass of ale.
6251. Did he pay for what he had?—I do not know.
6252. When he went out he was attacked?—He was.
6253. It was in that attack you got this knock on the head?—It was.
6254. Were those the whole proceedings on the first attack?—Yes.
6255. There was no attack upon the door then?—Not then.
6256. At what time did that attack take place upon the house?—I should say between three and four.
6257. Were there any persons in your house that did not belong to Mr. Gladstone's party?—A great many.
6258. Voters?—Not one, to my knowledge.
6259. Will you swear that?—I swear that, to my knowledge, there was not one.
6260. But there were a great many there?—A great many.
6261. About how many?—I cannot say.
6262. Thirty or forty?—Not so many as that, I should think.
6263. Will you swear that there were not 40?—No, I will not.
6264. I am now speaking of three or four o'clock in the morning, when the second attack took place?—Yes.
6265. Will you describe a little more minutely what the second attack was?—Trying to break open the gates, and stones first were thrown over.
6266. I thought you said there were no gates?—There are gates.
6267. But not fastened?—Bolted and barred, not locked.
6268. Is that where the gates were [*pointing it out upon the sketch*]?—Yes.
6269. Those gates were closed, but not locked?—They were bolted; a strong iron bar across from the wall to them.
6270. And those were broken open?—They were.
6271. Did the people come into that passage?—They did.
6272. About how many people were there?—I cannot tell, I am sure.
6273. A great number?—A great number.
6274. Did they make an attempt to get in at the other two doors?—They broke them open.
6275. Both?—Both.
6276. Did they get any body out of the house?—Not one, I believe, to my knowledge.
6277. None of the opponents of Mr. Gladstone?—No.
6278. None of those persons whom you represent as not being Mr. Gladstone's friends?—No.
6279. Did they get any of Mr. Gladstone's people out?—Not one.
6280. Where were those people, Mr. Gladstone's friends and his opponents, who were in your house at that time?—In all the rooms of the house.
6281. Were they principally up-stairs?—Principally up-stairs in the long room.
6282. Did the people that broke open the house get up-stairs?—No, they did not get into the house at all; after they broke open the doors they dared not come in.
6283. Did they attempt to come in?—They did.
6284. Were they prevented from coming in?—They were.

6285. By

*James Kilmer.*

27 March 1841.

6285. By whom?—By the party inside.

6286. Were you there?—I was there.

6287. How many other persons were there besides yourself who prevented them from coming in?—A great many.

6288. How many?—I do not know; I can mention half a dozen, but there were a score or two, I dare say.

6289. A score or two?—Yes.

6290. Was Charles Brookes there?—Charles Brookes was there, in bed.

6291. He slept at your house that night?—He did.

6292. Were any of the friends of the other side, the persons whom you represent as not being friends to Mr. Gladstone, there at the time?—Yes, there were some in the house.

6293. I am speaking now of those who were repelling the assailants?—I think not.

6294. Were they not all friends of Mr. Gladstone who repelled the assailants?—I dare say they were; one man whom I called upon would not come down.

6295. Was he a friend of Mr. Gladstone?—He was a special constable, sworn in by the mayor, to protect the peace.

6296. Did you complain of him to the mayor afterwards?—Not immediately after, but I have done since.

6297. Which side is he in politics?—He is a man I do not know.

6298. How long did these people attempt to get in through the doors?—I should think from the time the attack was made till the doors gave way was from half an hour to three-quarters of an hour.

6299. How long did they stay after the doors were broken open?—Not above 10 minutes.

6300. Did they walk off then?—They all dispersed.

6301. Did they disperse through the gateway?—They did.

6302. Carrying no booty and no prisoners with them?—They took some of my tongs and pokers and fire-irons.

6303. They took no prisoners with them?—None; I was knocked down four times.

6304. Did you get up again four times?—Yes.

6305. Were you hurt in that second engagement?—In the back.

6306. Not seriously?—Not seriously.

6307. Not so as to require the aid of a doctor?—No.

6308. Was any body else hurt in that attack?—Yes.

6309. Who was hurt?—Thomas Dixon was one.

6310. Was he a Gladstoneite?—A Gladstoneite. There was William Henry had a cut in the eye.

6311. What side was he?—Mr. Gladstone's. There was a man acting as special constable; I do not know his name; he was cut on the side of the head; I think that was the man you asked me about before, and two or three others; and Mr. George Adams, the surgeon, was hurt in the arm.

6312. Were they all friends of Mr. Gladstone's?—They were all friends of Mr. Gladstone's, except Forster; he was not a friend of Mr. Gladstone's.

6313. The long room is up-stairs?—It is up-stairs.

6314. And the way into the yard is round the barn through the chief doors?—Yes.

6315. Then the whole of the fracas between three and four o'clock lasted for about three-quarters of an hour?—I should think about that time. I sent out the back way, over the garden, over the brook, to get the magistrates; the party, when they heard that, of course, dispersed.

6316. They immediately dispersed at the name of the law?—Yes, when they knew the magistrates were coming.

6317. There was a corn-law mob, or an anti-corn-law mob in the town?—There was something of that kind.

6318. Were they part of those people?—I do not know; I did not recognize one amongst the mob.

6319. When they went away, were you quiet till the morning?—Yes.

6320. Did they return again?—No; the magistrates came down directly, and I went round with Mr. Swift to find the police, and there was not a policeman to be found in the town; the mayor was an hour after they sent for him before he came down.



*James Kilner.*

27 March 1841.

6321. Mr. Serjeant *Wrangham*.] The corporation at Walsall are not favourable to Mr. Gladstone's interest?—There are eight in favour of Mr. Gladstone's interest, and the remainder on the opposite side; eight were elected last election in favour of the Conservatives, and the remainder entirely of the opposite party.

6322. How many does it consist of?—Twenty-four is the number it ought to be; but I believe only about 19 or 20.

6323. The mayor is on the side opposed to Mr. Gladstone?—He is decidedly opposed to Mr. Gladstone, and a Roman Catholic.

6324. Are the magistrates of the same party?—The magistrates are of the same party; Mr. James voted for Mr. Gladstone; but he is a whig.

6325. The magistrates are, in fact, generally of the same party?—Yes, entirely; Mr. Forster is a county magistrate.

6326. The magistrates of the borough?—They are all liberals.

6327. You told us that there were some persons in the house, a great number, who were friends of Mr. Gladstone, but who were not voters?—They were not voters; there was one man came in, a butcher, to try to get another away; and I turned him out of the house myself.

6328. Mr. Forster, you say, you let out yourself about 12 o'clock?—I did.

6329. He is a voter?—He is a voter.

6330. Not a voter for Mr. Gladstone?—No.

6331. Did you at that time believe him to be a voter in favour of Mr. Smith?—No; I knew he would vote neither way; he had expressed a determination to vote for Mr. Lyttleton, but he would not vote for Mr. Smith.

6332. He was a moderate Whig, who would vote for Mr. Lyttleton, but who would not go so far as to vote for Mr. Smith?—Yes.

6333. You let him out, and then they knocked him down?—They cut his head open.

6334. And you were wounded?—I was wounded.

6335. And after that a second attack was made upon the house late in the night?—There was.

6336. Were there a great number of people outside?—I should think so from the noise; but we could not see, the gates being closed; the stones came over the gateway.

6337. There were missiles used as well as battering-rams?—Yes; I was knocked down with a stone that came over the gateway.

#### Examined by the *Committee*.

6338. Are you rightly understood to say that you made out this account in this book by Mr. Patch's suggestion?—I made out the account from an entry which I made in the book by Mr. Patch's suggestion.

6339. Did you head it "To the Election Committee," by Mr. Patch's suggestion?—I did.

6340. When you made out this account, at the bottom of the account you put the bill-poster's account?—That ought to have been with the other four items, but it was forgotten.

6341. Was that item in the account from which this was copied?—It was not; it is taken from that little book.

6342. How came you not to put that item with the four first items, rather than at the bottom of the page?—The reason was, that when I made those four first items, I forgot the bill-poster's account; I did not make it out till the day after, and then I made out the bill-poster's account, and gave it to Mr. Barnet separately from the others.

6343. When did you first write in this bill the item "bill-poster's account"?—Immediately after; when I had made up the account, I found that the entry had not been made, and I wrote it in that book; I afterwards made out the bill-poster's account, and took it to Mr. Barnet.

6344. The whole of this account is under the head of "Election Committee"?—It is.

6345. And when you separated them, you did not put the bill-poster's account with the other four, so as to distinguish the five items for the election committee, but you put the whole together?—I could not put it with the four, because I had forgotten the bill-poster's account altogether.

6346. Mr.

*James Kilner.*

27 March 1841.

6346. Mr. Serjeant *Wrangham*.] Was not the entry of the bill-poster's account put in after the account had been written there?—It was.

6347. Was there any room for entering this bill-poster's account, which was put in last of all, except at the bottom of the whole account?—I could not enter it, for I had forgotten the bill-poster's account till after I had delivered the account.

6348. At that time was there any room to enter the bill-poster's account, with the sum annexed to it, with the other four items?—There was not.

6349. It was filled up?—It was filled up as it is now.

6350. *Committee*.] Why did you enter it at the place where you did enter it?—The bill-poster's account was entered in that book at the earlier part of the election.

6351. You forgot in the first instance to charge the bill-poster's account, and you afterwards put it in the ledger where it is now placed; why have you put it to the bottom of the charge, which seems to be an election committee?—Because I had not room to put it in the other place, but at the same time I made a star to connect them altogether.

6352. Did you, in fact, mean that all those items in the ledger were to be charged to the same identical account from the bottom?—No, I did not.

6353. You stated that some persons applied to you for an account of their proportions of the charges against them for food?—Yes.

6354. Can you name those persons?—Mr. Beach applied to me, Mr. Brookes applied to me, Mr. Bogle applied to me, Mr. Bates of Birmingham, Mr. Thomas Welch of Birmingham, Mr. Joseph Aldy, and some others whom I do not recollect.

6355. When were these applications made to you?—They were made to me that night and the next day, and I have had applications made several times since; in fact, Mr. Brookes told me to charge it to his account, and he gave me 10*l.* one day on account.

6356. What was your answer to them?—I said, "I cannot divide the bill at the present time; I do not know how I shall divide it yet."

6357. Were you prevented from so doing by the unexpected crowd who flocked to your house?—Yes.

6358. When did Brookes pay you the 10*l.*?—I do not know the date, but he gave me a cheque since the election.

6359. Was it since you were served with a warrant to produce the books?—No, before that.

6360. Had you ever seen Patch before he came to you the first day?—I saw him the previous week once or twice.

6361. Before the election?—Never before the election.

6362. Did he state to you when he came what his name was?—He passed his name as Davis at my house.

6363. When he came to ask you to take in voters?—When he came to ask me to take in voters, I knew that his name was Patch then.

6364. How did you know his name was Patch?—From hearsay, but he gave me his card afterwards.

6365. Before he left Walsall?—Yes.

6366. When did Brookes pay you the 10*l.*?—I cannot tell exactly; I had a bill to meet, and I asked Mr. Brookes for 10*l.* on account, and he gave it to me; it was about three weeks ago.

6367. Mr. *Austin*.] After the petition was presented?—No, it was not done with reference to that.

6368. Will you swear that it was before the petition was presented?—I will not swear that.

6369. *Committee*.] Have you made a memorandum of that in any of these books?—No; my warrant was to bring up papers between the issuing of the writ and the end of the poll, and therefore I have only got to the end of February here.

6370. You have said that you hope for payment of your account from some of your friends in Walsall; did you copy the items of that account into your ledger in the expectation that those friends of whom you have spoken would wish to inspect the account before they discharged it?—No, I copied it more to know what had been done than any thing else.

*James Kilner.*

27 March 1841.

6371. When did Mr. Barnet tell you that he wished to see your books?—He asked me if I had received my warrant, and I had not then, and he said he should like to see how I had got the book entered; he asked first if I had any entry at all, he did not know before that that I had any entry; I said, yes, I had an entry; I think it was last Monday morning week, if I recollect right; I called at his office and I said, “I have an entry,” and told him how it was entered; he said, “I should like to see your books;” then he went to my house, and he saw my books there.

6372. Did he give any reason for wishing to see your books?—No.

6373. When he had seen your books did he make any observation upon them?—Nothing at all, I do not recollect any at all.

6374. Or with reference to the prospect of repayment?—It was never mentioned at all.

6375. Did he express any surprise at the amount of the bill?—Not to my recollection, he did not.

6376. Nor make any observation upon it?—If I recollect right, he said, “This was not authorized by me at all.” Mr. Thomas James was present, and Mr. Barnet said, “This was not authorized by me at all.”

6377. Was the account in your book headed “Opening day”?—The account was headed “Election Committee;” Mrs. Kilner was out at the time, and he saw my ledger.

6378. Can you say who were the persons designated by the words “Election Committee”?—I do not know.

6379. Do you know of any thing like a finance committee as part of the election committee?—I have heard there is one, but who the parties are I do not know.

6380. Do you know who were the members of that finance committee?—I do not know.

6381. Nor any of them?—I think Mr. Charles Forster is one, but I do not know.

6382. Do you remember when Marlow first came into your house on the Monday, the day of nomination?—I do not, but my waiter is here, and she tells me she does.

6383. Of course you do not know whom he came with?—I do not know.

6384. You have heard of a finance committee as part of the general committee?—I have, and I have heard them often blamed for not being more liberal, and declaring that they would not do it.

6385. You never applied to any persons for payment of this bill as belonging to the committee to which the items appear to be charged?—Never; when I have got out at night to the election parties I have always paid my own share.

6386. Did Mr. Barnet express any surprise when he saw your books bear an account under the head of “Election Committee”?—I think he expressed some astonishment.

6387. Was he astonished at the amount, or at the fact?—At the fact, I suppose.

6388. What did he say to express astonishment?—I do not recollect.

6389. You have no recollection whatever?—I have no recollection of the words used; there was another present, Mr. Thomas James, and he might know what he said; I was vexed at the time at having that paper lost; and I went down to find it; and Mr. James and he went on talking in the room.

6390. Was any one with Mr. Barnet when he called to see your books?—Mr. Freshfield and Mr. Thomas James, and he will be able to know what was said.

[The Witness withdrew.

*Elizabeth Taylor* was called in; and, having been sworn, was Examined by Mr. *Austin*, as follows:

*Elizabeth Taylor.*

6391. ARE you in the service of Mr. Kilner, at Walsall?—Yes.

6392. In what capacity?—Waitress.

6393. Were you so at the time of the last election?—Yes.

6394. You remember the last election?—Yes.

6395. Do you remember the day when the last election took place?—Yes.

6396. What day was it?—I do not remember the date.

6397. What day of the week was it?—On a Tuesday.

6398. Do you remember the Monday before that Tuesday?—Yes.

6399. Were

*Elizabeth Taylor.*

27 March 1841.

6399. Were you at Mr. Kilner's house upon those two days?—Yes.
6400. Were you employed in your business as a waitress during those two days?—Yes.
6401. Do you know the long room?—Yes, I know the long room.
6402. And the commercial-room?—And the commercial-room.
6403. Were you in the long room on Monday?—No.
6404. Not at all?—Not at all.
6405. Or in the other room?—I was in the commercial-room.
6406. How late were you up that night?—Till after eleven.
6407. Till after twelve?—Not till after twelve.
6408. You went to bed before twelve?—I went to bed before twelve and got up again.
6409. When did you get up again?—About three.
6410. Did you remain up during the rest of the night?—Yes.
6411. You did not go to bed again?—No.
6412. Were there many persons in the house during the Monday?—Yes, there were many persons in and out.
6413. Were there a great many?—I dare say there were a great many.
6414. More than a hundred?—I suppose there were, continually going in and out.
6415. Were there as many as a hundred in the house at the same time during the day?—I cannot say as to the number that there were in the house in all the rooms, because I did not go into them.
6416. From what you saw, there were a great number?—Yes, there were.
6417. Did a great number of people remain in the house all night?—Not a great number.
6418. What do you call a great number?—I suppose a hundred or more is a great number.
6419. Were there a hundred in the house all night?—I do not think there were.
6420. Were there many fewer than a hundred?—I should say many fewer.
6421. How many should you say?—I should say about 40.
6422. From what means of knowledge do you speak when you say about 40?—The number that I saw were about 40.
6423. Where did you see them; I am speaking of the night?—I saw them in the different rooms.
6424. What rooms?—There was the back parlour, and the commercial-room and the front room.

The *Chairman* stated that the Committee were of opinion that there could be no doubt as to the fact that there were a large number of people in the house of Mr. Kilner at the time in question, and that eating and drinking was going on to a great extent, and that therefore it was unnecessary to give any further evidence of those facts.

Mr. Serjeant *Wrangham* stated that he had no intention of contradicting the evidence given by Mr. Kilner as to the extent of drinking going on in that house on the night in question.

Mr. *Austin* stated, that he still felt it his duty to proceed with the examination of this witness.

6425. Mr. *Austin*.] You spoke to 40 persons being in the house; in what part of the house were those 40 persons?—In the commercial-room, the back room and front room.

6426. You saw them there during the night?—During part of the night.
6427. Till you went to bed?—Till I went to bed.
6428. Were they there when you got up again?—Some of them were there, not all.
6429. Were they drinking during the night?—Some of them were.
6430. Eating?—Some of them were.
6431. In all three of those rooms?—Yes, in all three of the rooms.
6432. In which rooms?—The commercial-room and the back room.
6433. Were they drinking in all three?—Yes, drinking in all three.
6434. Did you observe the same person in the same rooms in the morning when you got up?—I cannot say.

*Elizabeth Taylor.*

27 March 1841.

6435. Did you observe the same number?—No, there were not the same number.
6436. More or less?—Less.
6437. Fewer?—Fewer.
6438. Did you see them eating or drinking after you got up?—Not after I got up.
6439. Were you in the house during the Tuesday?—Yes.
6440. Did you see people eating and drinking in the house during the Tuesday?—Of course some were eating and drinking.
6441. How many?—I cannot say as to the number.
6442. Were there a great number?—Not a great number.
6443. How many did you see on the Tuesday?—I cannot say positively how many I saw on the Tuesday.
6444. About how many?—I should think at the time there might be ten or a dozen.
6445. Did you see no more than ten or a dozen on the Tuesday?—No.
6446. Which rooms did you see them in?—Up-stairs in the commercial-room and in the back room.
6447. The same rooms that you saw them in before?—Yes.
6448. Was there a breakfast?—Not that I know of; not in the rooms that I waited in.
6449. Did you supply them with things to drink and to eat?—Yes, I did some of them; but there were other waiters besides myself.
6450. When you supplied them, to whom did you tell what you had supplied?—I told them at the bar.
6451. Who were at the bar?—Mrs. Kilner and the barmaid.
6452. Did they set down upon a slate or in a book what you told them?—They set down upon a slate what I told them.
6453. Is that what you did on the Tuesday?—Yes.
6454. And on the Tuesday night?—On the Tuesday night I went to bed very early, and I do not know what was done on Tuesday night.
6455. Did you do the same thing on the Tuesday morning?—Yes.
6456. Do you know a person of the name of Marlow?—Yes.
6457. Did you see Marlow on the Monday?—I saw Marlow on the Monday evening.
6458. At what time did you see him?—I do not know exactly the time that I saw him; I remember seeing him on the Monday evening.
6459. About what time?—I cannot recollect the time when I saw him.
6460. Had you had your dinner?—Yes, I had had my dinner.
6461. Had you had your tea?—I really do not know, for I cannot say as to the time I saw Marlow; it was in the evening.
6462. Where did you see him?—I saw him come in at the front door; I did not see him afterwards.
6463. Whether it was immediately after dinner you cannot tell?—I do not think it was immediately after dinner; I think it was getting dusk in the evening.
6464. You say you did not wait in the long room at all; do you know who the waiters were in the long room?—I do not know; they were strangers to me; I had not seen them before.
6465. Were they men?—One man; I do not know who the other waiters were.
6466. What did you mean when you said that they were strangers to you?—I meant that I did not know them personally.
6467. How many of them were there?—There might be two or three; I do not know.
6468. Then do I understand you to say, that the waiters of the establishment did not wait in the long room?—There is but one waiter in the establishment; I am the only waiter.
6469. There were waiters for the occasion?—Yes, there were.
6470. When did you see those waiters first?—On Monday.
6471. At what time on the Monday did you see them?—They were there about 12 o'clock on the Monday.
6472. Is that the first time you saw them?—Yes.
6473. Did you know that they were coming?—No, I did not.

6474. Where

6474. Where did you see them first of all?—I saw them passing backwards and forwards to the room first of all. *Elizabeth Taylor.*

6475. That is the first time you saw them?—That is the first time I saw them. *27 March 1841.*

6476. Did you wait in the commercial-room?—Yes.

6477. I suppose you did not see Mr. Barnet during the election, did you?—Yes, I saw him several times during the election.

6478. When did you see him?—I saw him pass along the street, and I saw him come into our house several times, but I never saw him stay.

6479. Did you see Mr. Barnet come to your house on the Monday or Tuesday?—I never saw Mr. Barnet on the Tuesday.

6480. Did you see him on the Monday or the Monday night?—I saw him on the Monday, but not on the Monday night.

6481. At what time did you see him on the Monday?—I cannot say exactly the time.

6482. Just tell me about what time?—I should say it was in the morning part, but I do not recollect.

6483. Was it before dinner or after dinner; can you recollect?—No, I cannot.

6484. Where did you see him?—I saw him come in at our front door.

6485. Do you know where he went to?—No.

6486. Did you see him go out again?—No, I do not remember seeing him go out again.

6487. Was he alone, or was anybody with him?—He was alone.

6488. He came alone?—Yes.

6489. Can you tell me, when you saw him go in at the door, in what direction he was going?—No, I cannot.

6490. Were there any persons in the house at the time?—Yes, I dare say there were several persons in the house at the time.

6491. A good many?—I should not say many.

6492. What do you call many?—I should say not more than a dozen or so.

6493. Where were they?—They were in the different rooms.

6494. You mean, that they were in the three rooms where you waited?—Yes.

6495. How many there were in other rooms you do not know?—No, I do not.

Cross-examined by Mr. Serjeant *Wrangham*.

6496. You did not see when Mr. Barnet went out?—No.

6497. You say it was in the morning part that you saw him?—I cannot say exactly as to the time, but some time in the morning part.

6498. To the best of your recollection, was it in the morning part?—It was in the morning part.

6499. Do you know whether a gentleman of the name of Mr. Wilkins was staying in your house?—He was.

6500. He was a friend of Mr. Barnet, was he not?—I do not know.

Examined by the *Committee*.

6501. On the Tuesday morning were the gates or doors of the house opened?—They were not opened till they were broken open, about three o'clock in the morning.

6502. At what hour were the doors unlocked on the Tuesday morning?—I do not know exactly the time.

6503. Did you find them unlocked when you got up?—They were not unlocked when I got up.

6504. Are you not able to say at what hour they were unlocked?—No, I am not.

6505. You were understood to say, that some of the persons whom you had left in the rooms overnight had gone when you came down in the morning?—Yes.

6506. How could they go out if the doors were not unlocked?—The doors might have been unlocked without my going to unlock them.

6507. But you said they were not unlocked when you came down?—They were locked when I came down.

226 MINUTES OF EVIDENCE : WALSALL ELECTION COMMITTEE.

*Elizabeth Taylor.*

27 March 1841.

6508. Do you know how the parties whom you left in the rooms overnight could have left the house without the doors being unlocked?—They must have been unlocked to let them out, but locked again.

6509. You found them locked?—Yes.

6510. You came down at three o'clock in the morning?—Yes.

6511. And you did not return to bed again?—No.

6512. You saw Marlow come into the house on the day of the nomination?—Yes, on the Monday night.

6513. About the dusk of the evening?—Yes.

6514. Was he quite sober then?—Quite sober.

6515. Did he come in by himself?—No, a person came in with him.

6516. Do you know who that person was?—That person's name was Staunton.

6517. A butcher?—A butcher.

6518. That was about dusk in the evening?—Yes.

6519. And he was perfectly sober when he came in?—I think he was.

Mr. *Austin* being asked whether he had any further witnesses to call, stated that he was not able to state at present whether he should call any more witnesses; but as it was near four o'clock, he trusted the Committee would not call upon him to decide that now.

Mr. Serjeant *Wrangham* submitted that Mr. Austin should now be called upon to state whether he had any more witnesses or not.

The *Chairman* stated, that the Committee were of opinion that, under all the circumstances of the case, it was not necessary to call upon Mr. Austin now to state what course he should pursue.

[Adjourned till Monday next, at Eleven o'clock.]

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*Lunæ, 29<sup>o</sup> die Martii, 1841.*

LORD ELIOT, IN THE CHAIR.

THE names of the Members were called over; all present.

Mr. *Cockburn* to sum up the case of the Petitioner.

Mr. Serjeant *Wrangham* was heard on behalf of the Sitting Member.

[Adjourned till To-morrow, at Eleven o'clock.]

(See Proceedings of the Committee, Martii, 30<sup>o</sup> die Martii, 1841, page [iv].)

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**HOUSE OF COMMONS.**

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**MINUTES OF EVIDENCE**

**TAKEN BEFORE**

**THE COMMITTEE**

**ON THE**

**KINGSTON-UPON-HULL DOCKS  
BILL (1840).**

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*Ordered, by The House of Commons, to be Printed,  
26 February 1841.*

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## LIST OF WITNESSES.

<i>Lunæ, 15<sup>o</sup> die Junii, 1840.</i>				<i>Martis, 23<sup>o</sup> die Junii, 1840.</i>			
Mr. Thomas Ward	-	-	p. 5	James Meadows Rendel, Esq.	-	p. 127	
Mr. John Hall	-	-	p. 14	<i>Mercurii, 24<sup>o</sup> die Junii, 1840.</i>			
Mr. Joseph Sanders	-	-	p. 23	James Meadows Rendel, Esq.	-	p. 152	
<i>Martis, 16<sup>o</sup> die Junii, 1840.</i>				<i>Veneris, 26<sup>o</sup> die Junii, 1840.</i>			
James Walker, Esq.	-	-	p. 28	James Meadows Rendel, Esq.	-	p. 164	
<i>Mercurii, 17<sup>o</sup> die Junii, 1840.</i>				Mr. James Oldham	-	p. 184	
William Cubitt, Esq.	-	-	p. 50	<i>Sabbati, 27<sup>o</sup> die Junii, 1840.</i>			
Mr. Francis Tadman	-	-	p. 56	Mr. James Oldham	-	p. 187	
Mr. Edward Coleman	-	-	p. 58	James Meadows Rendel, Esq.	-	p. 200	
<i>Jovis, 18<sup>o</sup> die Junii, 1840.</i>				Mr. Thomas Hamer	-	p. 200	
Mr. Edward Coleman	-	-	p. 65	<i>Lunæ, 29<sup>o</sup> die Junii, 1840.</i>			
James Walker, Esq.	-	-	p. 67	Mr. John Roberts	-	p. 207	
<i>Veneris, 19<sup>o</sup> die Junii, 1840.</i>				William Vizard, Esq.	-	p. 225	
Mr. William Collinson	-	-	p. 69	James Meadows Rendel, Esq.	-	p. 229	
Mr. James Walker	-	-	p. 69	Thomas Lundy	-	p. 231	
<i>Sabbati, 20<sup>o</sup> die Junii, 1840.</i>				Mr. Robert Waterland	-	p. 237	
Mr. James Walker	-	-	p. 77	<i>Martis, 30<sup>o</sup> die Junii, 1840.</i>			
Mr. Samuel Walton	-	-	p. 87	William Vizard, Esq.	-	p. 250	
<i>Lunæ, 22<sup>o</sup> die Junii, 1840.</i>				Charles Frost, Esq.	-	p. 253	
Mr. William Cramp	-	-	p. 100	Mr. John Agars	-	p. 262	
Charles Ansell, Esq.	-	-	p. 110	Captain Roger Langlands	-	p. 267	
Mr. Thomas Oswald	-	-	p. 113				
Mr. Samuel Talbot Hassell	-	-	p. 117				

C O M M I T T E E

ON THE

*Kingston-upon-Hull Docks Bill.*

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*Veneris, 12<sup>o</sup> die Junii, 1840.*

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RICHARD BETHELL, ESQ., IN THE CHAIR.

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A PETITION from the Borough of Heddon against the Bill was read.

Agents, Messrs. Dorington and Hayward.

No Counsel appeared.

The Petition of Merchants and Factors of the City of London against the Bill was read.

No person appeared in support of the Petition.

The Petition of Owners and Occupiers of Wharfs in the Port of Hull against the Bill was read.

Counsel in support of the Petition, Mr. Serjeant Merewether and Mr. Reynolds.

Agents, Messrs. Dorington and Hayward.

The Petition of the Leeds and Selby Railway Company against the Bill was read.

No person appeared in support of the Petition.

The Petition of Merchants at Hull against the Bill was read.

Counsel, Mr. Baines and Mr. Wortley.

Messrs. Parratt and Walmisley appeared as Agents in support of the Petition.

The Petition of certain Firms and Copartnerships of Manchester against the Bill was read.

Agents for the Petitioners, Messrs. Parratt and Walmisley.

A Petition from Thorne against the Bill was read.

No person appeared in support of the Petition.

A Petition from Newark against the Bill was read.

No person appeared in support of the Petition.

A Petition from Stainsforth against the Bill was read.

No person appeared in support of the Petition.

A Petition from Merchants of Leeds against the Bill was read.

No person appeared in support of the Petition.

A Petition from the Commissioners of Pilotage of Hull against the Bill was read.

No person appeared in support of the Petition.

A Petition from Nottingham against the Bill was read.

No person appeared in support of the Petition.

The Petition of Messrs. Buckhouse and others against the Bill was read.

No person appeared in support of the Petition.

The Petition of the Commissioners of the Driffield Navigation against the Bill was read.

Agents for the Petition, Messrs. Pritt and Sherwood.

The Petition of the Ship-masters of Hull against the Bill was read.

No person appeared in support of the Petition.

The Petition of Mr. Bennett and others of Grimsby against the Bill was read.

No person appeared in support of the Petition.

The Petition of the Corporation of Hull against the Bill was read.

Messrs. Pritt and Sherwood appeared as Agents in support of the Petition.

A Petition from Beverley against the Bill was read.

No person appeared in support of the Petition.

The Petition of Wharfingers, Warehousemen and others, of Hull, against the Bill was read.

No person appeared in support of the Petition.

A Petition from Leicester against the Bill was read.

No person appeared in support of the Petition.

A Petition from Shardlow against the Bill was read.

No person appeared in support of the Petition.

A Petition of the Chamber of Commerce at Hull against the Bill was read.

No person appeared in support of the Petition.

The Petition of the Garrison Ground Committee against the Bill was read.

Messrs. Pritt and Sherwood appeared as agents in support of the Petition.

A Petition of the Trinity-house of Hull against the Bill was read.

Mr. Baines and Mr. Wortley appeared as Counsel, Messrs. Pritt and Sherwood appeared as Agents, in support of the Petition.

A Petition of Merchants, Bankers and others, of the town of Hull, against the Bill was read.

No person appeared in support of the Petition.

The Petition of John Lowther and others against the Bill was read.

No person appeared in support of the Petition.

The Petition of William Lumley and others against the Bill was read.

No person appeared in support of the Petition.

A Petition from Burton-upon-Trent against the Bill was read.

No person appeared in support of the Petition.

A Petition from Selby against the Bill was read.

No person appeared in support of the Petition.

Mr. Austin, Mr. Hildyard and Mr. Cankrien appeared as Counsel for the Bill.

Agents, Messrs. Dyson and Hall.

Mr. Austin was heard to open the case on behalf of the Promoters of the Bill.

[Adjourned till Monday next, at Twelve o'clock.]

## MINUTES OF EVIDENCE.

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*Lunæ, 15<sup>o</sup> die Junii, 1840.*

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RICHARD BETHELL, Esq., IN THE CHAIR.

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[*The three existing Hull Dock Acts were handed in.*]

Mr. *Thomas Ward* was called in, and Examined by Mr. *Hildyard*, as follows :

1. HOW long have you been resident in the town of Hull?—About twenty-Mr. *Thomas Ward*.  
six years. 15 June 1840.
2. I believe you carry on extensively the business of a ship-owner, and also the business of a merchant?—My business is principally that of a ship-owner.
3. I need scarcely ask you if you are well acquainted with the position of the docks in the town of Hull?—Yes, I am.
4. Are you also well acquainted with the character of the trade of the town, and the extent of it?—Yes.
5. Has the trade of the town for the last few years been on the increase?—Yes, it has.
6. Considerably on the increase?—Yes.
7. How many years would you say that increase had distinctly exhibited itself?—I think it has gradually increased for many years back.
8. And has it increased more rapidly during the last three or four years?—Yes, I think it has.
9. Do you also consider when the railway is open there will be a fresh impulse given to the trade of the town?—I believe that is the general impression.
10. When is the railway to be opened?—The 1st of July.
11. In the present year?—Yes.
12. Was there during the year 1839 a very considerable business done in the corn trade at Hull?—Yes.
13. The railway I spoke of is the Hull and Selby Railway?—Yes.
14. It forms a portion of the connecting link between the eastern and western sides of the island between Liverpool and Hull?—Yes.
15. That railway communicates with Leeds by two different railways, by the Leeds and Selby, and also the North Midland?—I am sure I hardly know.
16. I was asking you whether there was a considerable trade in corn during the year 1839, and also in the preceding year?—Yes, there was.
17. Is that trade conducted chiefly in English or foreign vessels?—A great portion in foreigners.
18. In your opinion, is the present dock accommodation adequate to the existing and the probable trade of the town of Hull?—No, I should say not.
19. From your knowledge of the feelings of the mercantile part of the community, is that, in your opinion, the general feeling of the merchants of Hull?—Yes.
20. Do you consider, therefore, that the Dock Company, in coming here with this project, are acting in compliance with the feelings of the merchants of the town of Hull?—Yes, I do.
21. Will you state any particular class of ships that wanted other dock accommodation than that which is possessed now by the town?—The large class of steamers are unable to enter the docks at all at present.
22. Is that owing to the insufficient width of the locks of the docks?—Yes, it is; but if the locks were widened so as to admit them, I think it would be impossible for them to move about as they would require, unless further dock room was given.
23. There is a double difficulty, the present insufficiency of the locks, and next, that if they were widened so as to admit them, you think the docks that exist would not be sufficient to afford full accommodation?—Yes, I do.

83.

A 3

24. I believe

Mr. Thomas Ward.

15 June 1840.

24. I believe you are the chairman of the Ship Owners Society, at Hull?—I was the last chairman elected; but the society has been inactive for some few years.

25. Will you mention any other class of vessels that you think would derive benefit from further accommodation in particular?—The large vessels bringing cargoes of wood, timber and deals.

26. Is the timber trade a very important feature in the trade of Hull?—Yes, it is.

27. It is carried on very extensively?—It is carried on largely.

28. Are those vessels able to find accommodation readily; is there room to discharge their cargoes?—I have known many instances where they have been obliged to wait two or three days before they got to the quays.

29. If the existing docks were relieved from that class of vessels, would not it give great advantages to the other trade of the town?—Yes, I think it would.

30. Assuming that the proposed dock withdrew a large portion of the lumber trade from the present docks, would not that give great facility to other vessels using the docks?—Yes, it would.

31. It would also enable those vessels to come alongside the quays and discharge at once, without waiting, as you have known them to wait, some days?—It would give greater space for them to move about in, and consequently enable them to move to the places they wished to go to, to unload.

32. Were you the chairman of a committee of the town appointed for the purpose of obtaining additional dock accommodation?—Yes, I was.

33. Was the consequence and the result of that committee's labours an application to the present Dock Company to provide additional dock room?—That committee was in conference with the Dock Company for nearly twelve months upon the subject.

34. Were they pressing upon the Dock Company the advantage to the town which would result from the Dock Company undertaking a new dock?—Yes, they were.

35. You know, of course, the site on which it is proposed to construct the present dock?—Yes, I do, pretty nearly.

36. Have you ever seen the plans; at all events, you know pretty nearly whereabouts the dock is to be constructed?—Yes, I do.

37. Taking all things into consideration, do you think it the most eligible situation for a new dock that it is open to the Dock Company to obtain?—Yes, I do.—*[Plans were handed in by the promoters of the Bill, and the position of the site of the proposed dock was pointed out to the Committee.]*

38. You were stating that you thought, upon the whole, this was the best site that it was competent to the Dock Company to obtain, having reference to all things; state some of the advantages you think will result from a dock of this size situated in this place?—I think it would be much easier of ingress to deeply laden vessels.

39. Do the timber vessels come within that class?—Yes, they do.

40. Why do you think it would be easier of ingress?—Because the water is deeper lower down the Humber than it is higher up.

41. From the greater depth of water that would be obtained in the basin and approach, there would be more facility given to vessels drawing a greater depth of water?—Yes.

42. Proceed?—I think it would afford a very desirable increase of the area of water accommodation.

43. Do you mean that from the unoccupied character of the ground, they would be enabled to take a larger area than could be well taken in any other place?—I think from what the Dock Company propose, according to what was stated by Mr. Austin, there would be very nearly double the area of water that there is at present.

44. Do you think when the Company are constructing a new dock, that is a very material consideration to govern them?—Yes, certainly, inasmuch as it will provide future accommodation for the future wants of the port.

45. Will you state any other ground on which you approve of the site?—I think, from the unoccupied nature of the ground, if the trade of the port increases so as to require further sheds and warehouses, there would be a better place to build them upon than could be found any where else.

46. Is

46. Is it an advantage that there would be ample room for quays?—Certainly *Mr. Thomas Ward.*  
it is.

47. With respect to the danger of the navigation of the Humber, do you think it a good site on that account?—Yes, certainly, I do. 15 June 1840.

48. Is the Humber occasionally a dangerous navigation?—Yes.

49. Very rough?—On account of the sands that are in it.

50. The sands are more dangerous when there is a very heavy wind and swell in the Humber?—No, I do not know that it is so.

51. Then I need scarcely ask you whether, after what you have said, you, as a merchant and ship-owner in that port, are not a well-wisher to this project?—Yes, I am.

52. Do you believe that that is the general feeling of the town of Hull regarding the project itself; I do not ask as to the details?—Yes, I believe it to be the general feeling of the town.

Cross-examined by Mr. Serjeant *Merewether.*

53. Will you allow me to ask you whereabouts you live in the town of Hull?—My residence is in Albion-street.

54. Is that in Hull or Sculcoates?—In Sculcoates.

55. And your place of business?—In Bowl-alley-lane, in the town.

56. Whereabouts in the town?—Almost in the centre of the town, near the Post-office and the Custom-house.

57. You say you are a well-wisher of this scheme, and that it is the general wish of Hull there should be a dock; do you mean it is the general wish of Hull that there should be a dock, or this particular dock?—That there should be increased dock accommodation.

58. That is what you understand to be the wish of the town?—Yes.

59. But people are divided, are they not, as to the situation of the dock?—I think the general feeling is, that the present situation is the best that can be procured.

60. But still there are others who think otherwise; the opinion is divided upon it?—A few.

61. I understand from you, you think this a very desirable situation?—I think it the best that can be procured at present.

62. Probably you would think it desirable, for your own convenience and others, that the dock should be as near the old town as possible?—Yes; the nearest it can be got to the seat of business the better.

63. And the principal part of the business of Hull is carried on in the old town?—No, I cannot say it is; it is carried on round the docks.

64. Is not the general business carried on in that area included between the Hull river and the docks?—Yes; and also on the north side of the old dock, which is in the parish of Sculcoates.

65. Just on the north side; business has very much increased on the north side of the dock since the old dock was made?—I do not know what the trade was when the old dock was made.

66. You must have gone there about 1814?—Yes, I did.

67. What is the nature of the business to the north of the old dock?—Principally timber-merchants have their yards and offices there.

68. Has that part of the trade been increasing of late?—The imports have been greatly.

69. The trade generally collected on the north side of the dock; has that increased of late?—The building-yards on the north side of the old dock have not increased, because there is no room for more.

70. But the trade has increased?—Yes.

71. Have the goodness to tell me whether those building-yards do not belong to the Dock Company?—I believe they do.

72. They are rented of them?—Yes.

73. Land which they hold?—Yes; the land belongs to the Company, and it immediately adjoins the quay.

74. You have stated, one of the great recommendations of this site is, that the docks can be made larger, that there can be a larger area of water, which you think essential?—Yes, as the trade of the port increases.

Mr. Thomas Ward.

15 June 1840.

75. In that point of view, it would be immaterial in your consideration if the same quantity of water could be got nearer the town, or rather it would be better?—I do not see that it is possible.

76. I will discuss the possibility afterwards; but just allow me, as you are speaking generally, to ask you if an equally extensive area could be found nearer the town, would it not be better?—Yes, if they could afford equal accommodation.

77. It being nearer the centre of business, would be more desirable?—Yes.

78. You spoke of the depth of water; I think in the place where this dock is proposed to be put, there is only a flat shore, is there?—Yes, at low-water.

79. And a considerable portion of the shore there is left dry at low-water?—Yes.

80. It is a flat shore, is it not?—I think not exactly.

81. I do not mean exactly flat; it is a flattish shore?—Yes.

82. There is no particular depth of water at that spot where these docks are to be made?—At high-water I should say there is a greater depth of water than there is at the present entrance to the dock, or the present entrance to the harbour.

83. The water at the present entrance of the dock, has it lessened of late years?—The mud accumulated, but the Dock Company removed it; they are constantly removing it.

84. Did the mud accumulate quickly?—I can hardly speak to that.

85. Since 1816?—No; I should say as the mud accumulated, it was removed from time to time.

86. You are speaking just at the entrance; I am speaking to the east and west of the entrance; has not the mud increased?—

Mr. Hildyard stated that engineers would be called to speak to those facts.

87. Mr. Serjeant *Merewether*.] When you say the mud was removed, do you not principally confine the answer to the entrance of the basin, and has there not been an increase of mud to the east and west of the basin?—I cannot speak to that.

88. My learned friend asked you as to the navigation; you do not pretend to give distinct information upon that?—No; but if I had a plan of the Humber, I could point out what I meant.—[*A plan was handed to the Witness.*]

89. Mr. Serjeant *Merewether*.] Are you looking at Mr. Hall's plan?—Yes; when I spoke of the navigation of the Humber, I had particular allusion to this sand that runs down and terminates nearly opposite the citadel.

90. What sand do you call it?—I believe it is called the Middle Sand, or the Hessel Sand.

91. There is the Skitter Sand; is that the one you mean?—No.

92. There is one marked B. 1. and W. 1.; is that it?—Yes.

93. Mr. *Hildyard*.] Are you speaking of what is called the Middle Sand?—Yes.

94. Mr. Serjeant *Merewether*.] Do you speak of that which has got upon it four feet, with the letters B. 1. and W. 1.; is that so?—Yes, it is.

95. Allow me to ask you, with respect to the depth of water, whether there is not the most depth of water at the entrance of the harbour; in the channel, I mean?—In the channel? yes, certainly; there is more in the channel than there is out of it.

96. A considerable quantity of water; you have stated that the Dock Company have been in the habit of removing the mud from the harbour?—From the dock basin and the entrance.

97. How long have you known them to be in the habit of doing that?—A great many years.

98. Have you ever known them, till within the last six months, take any mud from the harbour?—I cannot speak to that point; there is what we call a cranch at the entrance of the harbour; the mud and sand accumulated there, and I believe the Dock Company and corporation of the town have removed it jointly.

99. They have begun to do it in the last six months?—Longer than that.

100. Just tell me how long?—I think it was within the last 12 months.

101. Had

101. Had you ever known them do any thing of the kind before that?—*Mr. Thomas Ward.*  
I cannot say I have.

102. Should you have known it if they had?—Perhaps not.

15 June 1849.

103. You are not aware of their having done it?—No, I am not.

104. Nor ever cleared the river of any mud?—I do not recollect to have seen any thing of that kind going on in the Humber.

105. They do clear the harbour?—Yes.

106. Have you ever seen the mud carried out of the docks, and deposited in the river?—In the Humber.

107. In the harbour?—No, not in the harbour.

108. In the Humber you have seen it?—Yes.

109. In what part of the river?—Somewhere about one-third across.

110. Opposite the entrance to the harbour?—Opposite to the entrance to the docks, and lower down.

111. That would come very near to the entrance to the old harbour?—I think I have seen the mud-boats higher up, but I have not taken particular notice.

112. But you have seen them depositing mud opposite the old town, in the entrance to the harbour?—Somewhere opposite the town, I have.

113. With respect to warehouses, you say there will be an opportunity of building warehouses if the docks were placed in this position. I presume that would have a tendency to draw the trade in that direction; would it not?—I merely spoke of building warehouses in case the trade should at a future time increase so as to require them.

114. But the warehouses that are built there would have a tendency to draw the trade to that part of the town?—These docks are, in my opinion, in the town, and would form part of the town.

115. Do you not believe that the trade would accumulate round those docks, if they were made there, as you say it has accumulated to the north of the old dock; would not the same process take place there?—That is speaking of what may be possible.

116. As you say there will be warehouses built there, I want to know, from your knowledge, having lived there 26 years, would it not have the effect of drawing some of the trade and the population to that spot?—No; I should think it would create a new trade and a new population about the place.

117. Without affecting the town?—Yes.

118. Are there not a great many warehouses on the banks of the harbour?—Yes.

119. Would not those warehouses be capable of being used more extensively than they are at present?—I do not know how they are occupied, but I have understood that they are tolerably well occupied at all times.

120. Are they not capable of being used more extensively than they are at present?—That I cannot speak to.

121. At present where is your trade principally carried on?—In the docks.

122. The old dock?—The old dock, the Junction Dock, and the Humber Dock.

123. You use all of them?—Yes.

124. Where do you keep your timber?—I am not an importer of timber; my principal business is that of a ship-owner.

125. Where is the timber taken that is brought in by your ships; to the north of the old dock?—There are no timber-yards to the north of the old dock; they are deal-yards; the timber is delivered into the river; sometimes it goes up the river to the different consumers; sometimes it is landed at the premises of the merchants, and sometimes it is deposited in the pond.

126. Those ponds and those premises are in the old town?—The principal pond is on the east side of the old harbour.

127. You have stated yourself as being acquainted with those plans; is not that the very spot where they propose to make the communication with the River Hull or the harbour?—It is in the neighbourhood of it; I do not know that it is at the very spot.

128. Just do me the favour of looking at the plan?—*[The Witness referred to the plan.]*—I believe the timber-pond to which I allude is at this spot *[pointing to the plan.]*

*[Another plan was handed to the Witness.]*



Mr. Thomas Ward.

26 June 1846.

129. Just look at that; does not it go to that very spot?—Yes, it goes through it.

130. The other timber-yards, are they not more to the westward of the town?—No; the other yards, where the timber is landed, are on the west side of the River Hull, above the bridge.

Mr. *Hildyard* objected to the examination, unless Mr. Serjeant *Mere-  
wether* represented the owners of the timber-pond; and submitted that he must confine himself to the part of the case affecting the public.

Mr. Serjeant *Mere-  
wether* was heard in support of the examination, and stated that he represented the owner of the timber-pond who had signed the petition.

131. You say the other timber-yards are to the north of the old dock?—The deal-yards are to the north of the old dock.

132. Suppose this new dock is made on the eastward side of the river, in your judgment will not it have a tendency to draw off some part of the trade from other parts of the town to the east side?—I think if the proposed timber-pond is made to the eastward, many of the timber-merchants would avail themselves of the facility of floating their timber into that, instead of landing it as they do at present.

133. That would be if no new basin was constructed at all to the eastward of the present docks, would it not?—I am speaking of the timber-pond.

134. If there was no dock, but a timber-pond constructed any where to the eastward of the present dock, that effect would take place; they would float it into the river, would they not, at once?—I should think so.

135. With respect to the deal-yards there, supposing that the Company wished to remove those deal-yards from where they are, the Company would have the power of compelling them to do so?—I should think the Company have the same right over their tenants as is generally exercised between landlord and tenant.

136. Being their landlords, they could deal with them as they think fit?—They would hardly deal with them to their own injury.

137. You have got the map before you; are there not some timber-yards further up even than the old dock, up the Sculcoates side?—There are timber-yards above the bridge.

138. Your own residence is near the post-office and custom-house; tell me the way you would go from your own residence to this proposed dock?—You mean from my place of business.

139. Yes, I meant your place of business?—I think I should cross the harbour.

140. You would cross the harbour in a boat?—Yes, in the ferry-boat.

141. Whereabouts is that?—Or I should go by the North-bridge, whichever might be the most convenient.

142. The ferry-boat is below the citadel?—It is just opposite the citadel.

143. Opposite the southernmost part of the citadel?—Yes.

144. Then from thence, which way would you go; you would have to go up to the northern point of the citadel, and then down to the docks?—I must go through the citadel; I should not fix upon any particular mode of going.

145. You would do that in preference to going over the North-bridge?—No, not in preference; I should go sometimes one way and sometimes the other.

146. Can you tell me the distance from your place of business to this dock round by the North-bridge?—Perhaps ten minutes' walk.

147. Could you more conveniently tell me by distance than by time?—No, I could not.

148. A mile and a half?—No.

149. A mile?—No, I think not so much.

150. Do you then cross over the bridge of the old dock basin?—Yes.

151. Is that often open for vessels to go in?—Not for more than two or three minutes together.

152. And that often in the course of a day?—At tide time.

153. At the North-bridge, is that often open?—Not often; not frequently.

154. Not every tide?—I should think not.

155. But it is an opening bridge for the passing of vessels up above it?—Yes.

156. Have

156. Have you seen Mr. Rendel's plan?—I saw it here on Friday.—[*A plan Mr. Thomas Ward was handed to the Witness.*]

15 June, 1849.

Mr. *Hildyard*. That is your own plan?

Mr. Serjeant *Mercwether*. Yes.

Mr. *Hildyard*. Which you are going to prove?

Mr. Serjeant *Mercwether*. Yes.

157. Just look at that plan; does that so far represent to you the town of Hull that you can see the position of the places?—Yes.

158. You see the Humber and the old harbour, and the distinct lines it exhibits for those rivers?—Yes.

159. Did you ever see it before?—Not till Friday.

160. You did see it then?—I saw it in the hands of some gentlemen.

161. Have you seen it sufficiently to be able to express a judgment upon it?—No, I do not feel competent to do that; I think it looks very pretty upon paper; I should have great doubts as to the possibility of it.

162. I do not mean to ask you that, so much; my learned friend has suggested I should not ask you an engineering question; but what I mean to ask you is, supposing that dock was constructed there, in your judgment would not it be more convenient for the old town of Hull and for Sculcoates than being on the east side?—The distance would certainly be less.

163. And it would be accessible from the old town without going over any of the bridges; there would be no ferry or bridges, but the access would be immediately from the old town, would not it be so?—Yes, if I understand you right.

164. Just tell me how many minutes' walk it would be from your place of business to that harbour, if constructed?—It depends upon what part of the harbour you allude to.

165. The nearest point you could get to?—Perhaps three or four minutes.

Mr. *Baines* stated he was not in a condition to put any questions to the Witness without the permission of the Committee; but that, since Friday, himself and Mr. Wortley had considered the best way to save the time of the Committee, and to bring the case they had to support before the Committee; and he suggested, that as each witness was despatched by his learned friends, who had to fight the principal part of the battle, that he should put a few questions to the witnesses relating to the clauses upon which he appeared; that in that case there would be no occasion to call back each witness, nor keep them in town; that he understood such had been the course in various cases, but that it could not be done without the permission of the Committee; that he did not appear to petition against the preamble; that the parties for whom he appeared were desirous that the whole of the plan should be carried out.

Mr. *Hildyard* stated he was extremely reluctant to oppose the application of Mr. Baines, and would not oppose it if he thought it would save any time; but he thought that all deviations from the ordinary mode of conducting a case were generally not found to lead to any saving of time; and if questions were put by Mr. Baines relating to particular clauses, he (Mr. Hildyard) must go into a re-examination on those points, so that the Committee, instead of confining their attention to the preamble of the Bill, would have their minds distracted by questions which could have no influence upon them, when they came to a decision upon the preamble; that it was a suggestion out of all course, and he therefore must object to it.

Mr. *Baines* was heard in reply, and stated, by way of illustration as to the saving of time, that he wished to ask the Witness whether a particular part of the undertaking which the Dock Company were now presenting to Parliament, namely, the canal between the dock and the old river, was in his judgment an important part of the undertaking for the whole of the town of Hull; that he was rather inclined to think that that was a part of the undertaking that the Dock Company were not serious in suggesting, and therefore he should propose a clause hereafter, making it compulsory on the Company to execute that part of the work; that if

he

Mr. Thomas Ward.

15 Janr 1840.

he was not allowed to put those questions to the Witness, the Witness must go down to Hull and be brought back again.

Mr. *Hildyard* stated that he never knew of a Committee against the consent of the parties promoting the Bill, permitting any examination to be entered upon until the preamble of the Bill passed.

The Committee-room was cleared.

After deliberation the Counsel and parties were again called in, and the *Chairman* stated that the Committee had determined that Mr. *Baines* was not in a situation to put the questions he proposed.

Re-examined by Mr. *Hildyard*.

166. I understand you to state that the nearer the dock to the trade of the port, *cæteris paribus*, the greater the advantage resulting from that dock?—Yes.

167. You do not mean to say you are to sacrifice all other considerations for the sake of bringing the dock nearer to the trade?—I do not mean to say that.

168. I do not know whether the plan put before you shows the area of the dock, into which it is proposed to convert the harbour; do you understand me? does it appear upon the face of that plan what would be the area of the harbour dock, considering it to be constructed?—I do not observe it.

169. Looking at that plan, is it not quite clear that you will gain very much less, if any, additional dock room compared with that given by the Dock Company and the harbour as at present. [*Another plan is handed to the Witness.*] The harbour at present acts to a certain extent as a dock?—Yes.

170. This is only converting a space that does at present act as a dock into a more commodious dock than it is at present?—As I understand this plan, it is to make the harbour not a tidal dock as it is at present,

171. To convert it into a dock in which the water will be kept up by locks to a particular height?—Yes.

172. The site of that dock will be chiefly the site of the present harbour?—Yes.

173. Does not it appear from that plan that the public quays must be on the east side of the harbour; I am not speaking of the private quays of these gentlemen?—Upon this plan I see that it is stated the site for sheds must be on the east side.

174. Certainly; if the dock is made at this place, it will be very convenient for those gentlemen who have got private quays on the west side; should you not then, if you happened to be fortunate enough to have a quay on the west side, feel you were not a person to complain of a dock so constructed?—Certainly.

175. With regard to the withdrawal of the trade, let me ask you as to the effect of the construction of the Junction Dock, which did call into existence a number of new warehouses; did that withdraw the trade to the locality of the Junction Dock?—I think two or three warehouses have been erected in the neighbourhood.

176. Has it been to an extent so as to prejudice materially the trade of the town?—No.

177. With respect to the Humber Dock, that has been constructed many years?—It was opened in 1809.

178. Has the effect of that dock been materially to prejudice the general trade of the town in favour of the immediate locality of that dock?—A great extent of the export trade is carried on from the Humber Dock.

179. Has it called into existence warehouses, and deteriorated the value of property in other parts of the town?—Not that I am aware of.

180. You were asked with regard to the property of the Dock Company on the north side of the old dock, that is used chiefly as deal-yards?—Yes.

181. They are not quite the same things as timber-yards; a deal-yard is for sawn timber?—Yes.

182. There is that distinction between the two yards; should you say that a deal-yard and a timber-yard were one and the same thing; is there not a trade with the town of Hull for timber, distinct from deals?—No, I think not.

183. You say the site of these deal-yards is the property of the Dock Company at present?—Yes.

184. Let to persons who use them as deal-yards?—Yes.

185. If the effect of this new dock is to deteriorate property on the west side of the harbour, will not it also prejudice the property of the Dock Company on the

the north side of the harbour by a similarity of reasoning?—The reasoning appears to be similar. Mr. Thomas Ward.

186. You apprehend it will create a new trade and a new population instead of prejudicing the existing trade and the existing population?—Yes, I believe it to be so. 15 June 1840.

187. Upon that plan, which you say, very properly, looks very pretty upon paper, there is a very large dock between the citadel and the Humber?—Yes.

188. Does it appear that that dock is part of the scheme, or are the words “additional dock when required” put upon the plan?—“Additional dock when required.”

189. So that it is no part of the plan by which we are to be superseded; that dock is not to be constructed at once?—The inference I draw is, that the old harbour is the proposed dock, and the other a supplemental dock.

190. To be made hereafter?—Yes.

191. Making part of this pretty scheme upon paper, this dock that is *in nubibus*?—It is *in mutibus* rather.

192. Does a bridge appear leading from the citadel to the dry pool side, across the channel for the river Hull and harbour?—Yes.

193. That would be an additional bridge which the inland traffic will have to pass; is it not so?—I do not exactly understand you.

194. Is it not below the North-bridge?—Yes.

195. In addition to passing the North-bridge, the vessels will have to pass this bridge, on the plan you propose; I am speaking of the inland trade to Beverley and York, it has to pass the North-bridge, and then no other till it reaches the Humber; here the necessity of making a communication between the citadel and the land will cause a second bridge, will it not?—I do not understand the proposition.

196. Will not the effect of the project, as proposed to be carried out on the plan before you, be to subject the inland trade, the Beverley and York trade, to the passage of two bridges instead of one?—Yes.

197. The North-bridge it has now to pass, and there will be a bridge by which they connect the citadel with the main land?—Yes.

198. You say there has been a cranch; that is, a sort of bank; is it not?—An accumulation of sand.

199. At the mouth of the harbour; that has been lately removed by the Dock Company and the corporation of Hull jointly?—I can hardly say whether it is entirely removed; but they have been at work upon it.

200. Do you happen to know that it is a subject in dispute between the Dock Company and the corporation, which of them ought to remove it?—I have understood so, because, when the subject was before the corporation of the town, I think it was stated then that their consenting to join the Dock Company in this should not be drawn in as a precedent for future operations; and the Dock Company, I believe, did the same thing.

201. Has the delay that occurred in removing that accumulation arisen from that disputed liability between those two public bodies?—I believe it has.

202. With regard to the mud, you were asked whether the Dock Company had not shot this mud into the Humber; you say it was one-third across it where they shot it; what is the width across at that point?—I think between two and three miles.

203. Is there not a most rapid tide in the Humber there?—Yes, there is.

204. Do you apprehend that shooting the mud one-third across the Humber on an ebb-tide could, by possibility, occasion this accretion of mud at the harbour's mouth?—I cannot speak to that.

205. Are you aware that the place where they shot it was pointed out by the pilot commissioners of the harbour?—No, I do not know that.

206. You were asked as to the distance of your place of business from the proposed dock; is it very essential that a merchant should be himself personally communicating with the dock and place of business frequently?—As a ship-owner, I think it necessary he should be frequently in personal communication with the dock.

207. You, however, I understand, do not object to the site of the dock on this account, although your own place of business is not very conveniently situated for it?—No, I do not object to it; because I think it would be of great service to the general trade of the port to have increased dock accommodation.

Mr. Thomas Ward.

15 June 1849.

208. Though you would be glad if it was brought much nearer to you, you would rather have it than go without it, though it is at a distance?—Yes.

209. Where is the terminus of the railway station?—On the west side of the Humber Dock.

210. Is it also on the west side of the old town of Hull?—Yes.

211. Was it made an objection before Parliament that the terminus of that railway would affect the value of property on that side of the harbour?—I do not know that it was.

212. At all events, it did not prevent Parliament giving its sanction to it?—No.

Mr. Reynolds claimed the right to put some questions upon new matter that had been introduced by Mr. Hildyard as to the effect of the Humber Dock and the old dock upon the trade of other parts of the town.

Mr. Hildyard was heard to contend that the line of examination he had pursued was founded upon the cross-examination, and introduced no new matter.

Mr. Serjeant Merewether expressed his willingness to put the questions through the Committee.

213. Committee.] Since the opening of the Junction Dock, the trade of the port, which formerly passed through the harbour, now goes through the Humber Dock and the Junction Dock to get to the old dock?—It passes chiefly through the Junction Dock to the old dock, and a very great accommodation it was; for when there was no other passage to the old dock but through the harbour, I have known vessels a fortnight getting up from the entrance of the harbour to the old dock, and vessels greatly injured, in consequence of its being a tidal harbour.

214. Has not the effect of that alteration been, that the ships go to the sides of the dock, and ship-owners are compelled to bring their goods from the warehouses on the west side, and that they are brought down by lighters or carts?—It is preferable for all vessels to discharge afloat, if they can possibly do it.

215. Is it the fact that the goods are now brought down to those warehouses by lighters?—I am not aware that such is the case, because I see vessels constantly delivering at the warehouses.

216. Are you a shareholder in the Company?—No, I am not.

[The Witness withdrew.]

Mr. John Tall was called in; and Examined by Mr. Cankrien, as follows:

Mr. John Tall.

217. YOU reside in Hull?—Yes.

218. And carry on business there?—Yes.

219. What time have you carried on business in that place?—Eighteen years.

220. In what part of the port do you carry on business?—My manufacturing business is in the parish of Sculcoates.

221. What description of manufacture do you carry on?—Tar and turpentine distillery, general merchant and ship-owner.

222. What part of the port do you carry on your business in?—I carry on my manufacturing business in the parish of Sculcoates.

223. What part of the parish?—Wincom-lee.

224. What part of the river is it upon?—Upon the river Hull.

225. Above the North-bridge, or below it?—Above it.

226. Considerably above?—Yes.

227. You almost adjoin the river?—Yes.

228. Is much business carried on in that part of the port?—Yes.

229. Of what description?—Several seed-crushing mills, several other tar and turpentine distilleries.

230. What else?—On the opposite side of the river there are some timber-yards.

231. On your side, is there not a large cotton-factory?—No, not on my side.

232. Are there any oil-yards on your side?—Greenland-yards on both sides.

233. On the other side of the river, nearly opposite to where you carry on your

your business, what business is carried on?—A lead-manufactory, a colour-manufactory, a crushing-mill, and several timber-yards.

Mr. John Tall.

15 June 1842.

234. Are there any engine-manufactories?—There is a cotton-manufactory.

235. And Greenland-yards?—Yes.

236. And timber-yards?—Yes, there are timber-yards.

237. All this business is carried on, on the banks of the river Hull, above North-bridge?—Yes.

238. But, besides that, there is the business on the Holderness side the river Hull, near Lime-street?—Yes, a very large soapery and sugar-refinery.

239. So that, in fact, a very considerable part of the business of the whole port is carried on, on that side of the river Hull, above the North-bridge?—The principal part of the manufacturing trade is carried on there, above the North-bridge.

240. How is that part of the river Hull situated, with regard to the site of the proposed East Dock?—Do you mean on the score of distance?

241. Yes, and the general convenience?—Much would depend upon the route to the dock; do you mean by water or land?

242. Either the one or the other; suppose a merchant, who carried on business above North-bridge, on the banks of the river Hull, wished to send goods to a ship in any of the docks; suppose the East Dock made, and he wished to send goods to some ship in one of the docks, which would be the most convenient route for him?—Both the canal from the old harbour and the present dock would be the most convenient.

243. All of them?—No; if we had all the dock area required, then the West Dock would be most convenient, unless you had a canal from the harbour.

244. Mr. Serjeant *Mereweather*.] A canal communicating from the harbour into the projected dock; I understand it is the new canal, that is to communicate from the projected dock into the river, that you are speaking of?—Yes; if we had a sufficiency of dock area at present to carry on our trade, then decidedly the most convenient line from other premises and mine would be to the west of the present docks, rather than to the east; but the difficulty we have, for want of area, would make the other preferable, if it was not crowded in a similar way.

245. Which do you mean by the west?—The present dock.

246. *Committee*.] Do you mean there is no room on the west side for a dock?—No.

247. You mean that the present docks are so crowded as to create a difficulty in the passage of vessels from the Humber?—Probably I do not understand the question.

248. Mr. *Cankrien*.] If you look at the plan, you will see a line on the east side of the river Hull; the communication between the proposed dock and Lime-street, and the sugar-manufactory, and the soap-manufactory, you mentioned is very convenient indeed; the communication by land between the proposed dock and the place where business is carried on, above North-bridge?—On the east side of the proposed dock is very convenient, not more convenient than my side.

249. You are on the west side?—Yes.

250. The communication between you, on the west side, and the East Dock would be over the North-bridge?—Yes.

251. That would be very little more circuitous than if it was on the other side; if you look at the plan, it will be only the length of the North-bridge?—Very little difference.

252. So that you would be able to reach the proposed dock as soon as any of the other docks, except the old dock?—You mean by land?

253. Yes?—Not so soon.

254. It does not appear farther distant upon the plan?—I think the distance would be more to the East Dock.

255. Is the dock accommodation at present sufficient for the extent of the trade?—Certainly not.

256. For what description of ships is that want of accommodation principally felt?—By large steamers in the lumber trade.

257. Where is the lumber trade at present carried on?—A great proportion of it in the old dock.

*Mr. John Tall.*

15 June 1840.

258. Is that the timber trade or the deal trade, or both?—The deals are generally stored in the yards in the old dock.

259. Where is the timber now stored?—Of the timber there is a great proportion allowed to remain in the dock a considerable time; some is sent into consumption, and others stored in the different yards.

260. In what part of the dock is the timber stored?—A great part is taken to the timber-yards in Wincom-lee.

261. It is not stored on the north side of the old dock?—I do not know that.

262. The storing of timber would require a much greater area than the storing of deals?—It is a trade I am not very conversant with, but I should say you require a larger area for timber than deals.

263. The single pieces are heavier?—And longer.

264. And not to be piled one on each other?—Yes, they do pile them, but not so high.

265. The same quantity could not be laid upon the same space of ground?—That I cannot say.

266. Facilities for the timber trade you consider to be wanted in the port of Hull?—I think, in consequence of so much dock area being taken up with timber, it very materially affects the general trade, and very materially inconveniences us.

267. You think the timber trade could be very advantageously removed to a different part of the port?—I think, if the timber trade was removed to another part of the port, it would give great facilities to the general trade, and relieve the dock.

268. Where do you think that the accommodation for that particular trade can be most conveniently found in the port?—I should say the plan proposed by the Dock Company is a very eligible one.

269. To make a dock on the east side of the harbour?—I think so.

270. Have you experienced yourself any inconvenience from the insufficiency of the dock accommodation?—

271. In what respect?—I daily send small craft with goods for different vessels, and I have had my men occupied three days to do the work of half a day, in consequence of the crowded state of the docks.

272. Does that occur continually?—It occurred this last year very frequently, and the year before.

273. Are other people inconvenienced in the same way?—Yes.

274. There is a great want of accommodation for the trade of the town?—That is the prevailing feeling.

275. Have any public meetings been held in consequence of the want of accommodation?—Yes.

276. Have you taken part in any of them?—Yes.

277. Have any committees of the town been appointed for the purpose of suggesting means of affording accommodation for the wants of the trade?—The town elected a committee some three or four years ago, to seek further accommodation.

278. What was done?—Very many conferences were had with the Dock Company.

279. Suggesting to them the expediency of making a dock themselves, or agreeing with other people to make it?—One of the principal businesses the committee had to perform was to ask the Dock Company if they were disposed to sell their interest to the town, and, after many interviews, the finance committee (I fancy it was of the dock committee) stated that they would suggest to the proprietors the desirableness of selling the docks to the town.

280. What was the result of those interviews?—The result was after that interview, a town's meeting was called.

281. What was the communication of the Dock Company to your committee?—The communication was that they should recommend to the proprietors to sell the dock on certain conditions.

282. That the Dock Company would?—Yes.

283. What docks?—The existing docks.

284. What were the conditions?—They were something to this effect, that they would allow the Lord Chancellor to appoint a person to value their interests; that the town should take them into the hands of commissioners, and bonds to be



be given for the amount bearing certain interest, but that they should require the security for the due fulfilment of the payment of that interest of the corporation of the town and the Trinity-house.

285. That was the proposition by the Dock Company?—Yes.

286. That was not acceded to?—The town in reply to that—

Mr. John Tall.

15 June 1849.

The *Chairman* suggested that the inquiry was going into matters not before the Committee.

Mr. *Hildyard* stated that the evidence was introduced to show that the imputations against the Company were unfounded, inasmuch as they had been ready to surrender their monopoly, if it could be so called.

The *Chairman* stated that the Committee were now upon the preamble of the Bill.

Mr. *Cankrien* stated that part of the preamble recited that it was desirable that the Dock Company should make this dock, and his object was to show from the communications that took place some years ago, it was very unlikely that any other persons would come forward to make the docks.

A *Member of the Committee* inquired whether it would be disputed that further dock accommodation was required at Hull.

Mr. Serjeant *Merewether* stated, he was not in a condition to show that dock room was not wanted, but he should be in a condition to show that there were other things that ought to be done, and which ought to precede the making of the dock.

The *Chairman* inquired whether it was distinctly admitted that dock accommodation was wanted.

Mr. Serjeant *Merewether* stated that in the abstract it was admitted; that he should say that increased accommodation at Hull in docks would be desirable.

A *Member of the Committee* inquired whether that part of the preamble might be considered as disposed of.

Mr. Serjeant *Merewether* stated that it might be taken that it was admitted.

287. Mr. *Cankrien*.] What site do you think can be obtained most advantageously for making the required dock accommodation?—As far as I know, I should say decidedly on the east side.

288. You mean to say upon the site where the Dock Company propose to make it?—Yes; I am not aware that they can get sufficient room on the west side.

289. You think there is not sufficient room on the west side to make the requisite accommodation?—No, I think not.

290. Have you any other reasons for thinking this the best?—I think, on the score of price, the land is to be had at a very cheap price.

291. Are there any other reasons?—On the score of space, there is more room.

292. Does the situation with regard to the river Humber itself afford any advantage?—I must be excused giving any opinion as to any nautical consideration.

293. Do you recollect that there was ever any project for making a dock on this site before?—Yes.

294. When was it?—Three or four years ago, I think.

295. There was a project for making a dock on this site?—Yes.

296. Do you know by whom that plan was principally promoted?—I do not know who promoted it, but I know who were the parties supposed to be the promoters.

297. By common reputation, who were the parties promoting it?—Mr. John Smith, who is here; and Mr. Reynolds took an active part.

298. They took an active part in the scheme for the constructing of a dock on this site?—Yes.

299. Do you know how those parties are disposed towards the present Dock Company, for seeking to carry into effect their wishes?—I understand they are advocates for the harbour being converted into a dock in preference.



Mr. John Tall.  
15 June 1840.

300. In preference to their former plan?—Yes.

301. What do you think of the feasibility of converting the old harbour into a dock?

The *Chairman* suggested that that was an engineering question, and as he (Witness) was not an engineer, his opinion would be worth nothing.

302. Mr. *Cankrien*.] As to the convenience of making it for the general benefit of the trade of the port, how do you think the other site is likely to answer?—I should say you would not give the increased dock accommodation by doing it.

303. *Committee*.] Suppose there was a dock made to the west, would there be room left in the river for ships to pass up?—I should say not, if they had to take that route; but there is another route.

304. Would there be room on the west for ships to pass up, if an additional dock were constructed on the west?—You would have two routes; they would not of necessity have to go up to the west.

305. Mr. *Cankrien*.] What accommodation have the public at present for the general purposes of shipping, in the old harbour, for delivering their cargoes?—They have no public accommodation; it is private property.

306. If the old harbour were converted into a dock, the public would derive no accommodation in that respect?—I do not see how the public could get any quay on the west side, except through the six or seven small staithways.

307. You mean to state that a great proportion of the west side of the harbour is the property of private owners of the soil?—Yes.

308. And there are no public staiths?—Yes.

309. And if the old harbour was converted into a dock the public would derive no benefit from it, as having access to public quays on the west side?—I should say not, with respect to quay room.

Cross-examined by Mr. Serjeant *Merewether*.

310. You have been asked with regard to the timber trade; I understand from you, you are not acquainted with that trade?—I am not in the timber trade.

311. Nor much acquainted with it?—No.

312. You do not give any opinion upon it?—Except as occupying dock area.

313. And that is found inconvenient?—Yes.

314. Your place of business is a little below the North-bridge, on the west side?—Above the North-bridge.

315. Is it far above the bridge?—Half a mile at least.

316. That is your counting-house?—No; the counting-house is on the side of the old dock, the south side of the old dock.

317. Below the North-bridge?—Yes.

318. I believe you take a considerable portion of your goods in lighters, do you not?—Yes.

319. And are in the habit of doing it?—Yes.

320. Take the new dock as it is proposed; first of all, without a communication to the river; supposing there was no communication made to the river by a canal, any goods you wanted that were in the dock, must you not bring out in lighters into the river Humber, and then up the harbour, and so to your place of business?—Yes.

321. Would not that very considerably increase the expense of your lighter-ing?—Not very considerably.

322. It would increase it?—Yes.

323. The expense of lighterage is considerable?—Yes.

324. At present, when you put the goods into lighters, where do you bring them to or take them from?—Sometimes to the dock, and sometimes to the harbour.

325. Supposing on the one hand a ship lying in the dock or harbour, and you are to send lighters to carry the goods to your place of business, what is the comparative distance they would have to be carried in lighters from the old dock or this new dock; would it not be more than double?—I should hardly think it would.

326. Suppose a ship in the old dock, or in the harbour, and suppose a ship in the dock proposed with no communication to the river, would it not be at least double

double the distance or more to your place of business?—I should think it hardly double the distance.

Mr. John Tall.

15 June 1840.

327. Would not the lighter have to go down the river, and then have to go to the eastward down the Humber, then through the basin, and so into the harbour?—I should say it was not double the distance; but if it was, it would be as desirable for me, and cheaper than to go through a crowded dock; as I often lose three days in doing one day's work.

328. The new dock may be crowded as much as the old one?—The inference is, it will not; if we are to have a new dock, the Company could not do otherwise than make it navigable.

329. Supposing you were taking any thing out of the harbour, the distance would be very short to your place of business?—Shorter out of the harbour than out of the docks.

330. With respect to lighters, if a lighter goes not into the Humber, if the weather is rough, would it not be inconvenient to go into the Humber, and so into the dock?—Yes; I should not, during rough weather, employ it in that way.

331. You would not use the new dock at all in that weather?—I should not use the lighters during that weather; I should wait for better weather, or employ a steam-tug.

332. If you could have a new dock, that would not involve the going out into the Humber, that would be a great advantage to you, particularly in bad weather?—Decidedly.

333. So, the nearer the dock is brought to your place of business the better?—Yes.

334. So also, the nearer it is brought to the old town, the more likely it would be to be beneficial to the town of Hull?—The nearer you are to your place of business the better.

335. Of course ready access to the Junction Dock, the old dock, and the Humber Dock, forms one of their recommendations?—No doubt.

336. You think that if there was a canal made from the proposed dock into the old harbour, that that would be an advantage, and render the new dock more desirable?—Yes, inasmuch as the general trade then could have access to the dock.

337. And that would be because the dock would then be brought in more direct communication with the town and the other docks, without going into the Humber?—Yes.

338. That is the advantage of it?—That is a decided advantage.

339. You have been asked with respect to making the present harbour a dock, and you seemed to think that if you used the harbour for a dock, you did not then increase the dock room; was not that your impression?—Yes, my impression is, that you will not very much increase your dock accommodation and dock area.

340. Supposing a new cut, a new channel, was made for the river, so that you should still have an open tidal harbour, and then, in addition, the present harbour converted into a basin; would not that give you more accommodation?—It depends upon the capacity of the new dock.

341. I am putting capacity out of the question; supposing a new channel was made as large and commodious as the present harbour, and the present harbour was made a basin to act as a dock, would not that be an advantage to the town?—It would not be that advantage which the town requires; you would not get sufficient quay room.

342. But the thing would be an advantage if it could be done?—If it was the only advantage we could obtain, we should be better off than we are now; as we should get some additional room.

343. Supposing expedients could be resorted to to make the harbour equal to the accommodation that could be provided elsewhere, would not the position be better for the town?—I scarcely think that that would be all that the town had a right to.

344. Supposing there was a new channel made as large as the present harbour and haven, and the present harbour and haven, with additional works, were converted into a dock, would not the position of that dock be more convenient to the town than the one proposed?—Yes; if you give us the same quay room and the same acreage round the dock as we shall have round the proposed dock, it would be preferable.

Mr. John Tall.

15 June 1840.

345. Would it not be decidedly very preferable if it could be done?—I think it would not be to the advantage of the town, but more particularly to the advantage of the proprietors of warehouses along the river Hull; I would rather see this contemplated dock than the harbour converted into one, because we must be more in the hands of private individuals who have property on the harbour, if it is converted into docks.

346. And in the other case you are in the hands of the Dock Company?—Yes.

347. Who make their individual profits out of the dock?—Yes.

348. Supposing this dock was made by the Dock Company, then the whole line of docks, going in at this new dock to the east and communicating with the others, would be all under the control of the Dock Company?—Yes.

349. And no competition?—There would be the same competition that there is now, and there is none.

350. But I think I understood from you, distinctly, that the position of that dock, if you could get the same accommodation, and other things equally beneficial, that it would be preferable to the town?—Inasmuch as it is more immediately in the town.

351. Do you know whether vessels sustain any injury in going down the harbour?—I am not aware; I experience difficulty in inducing captains to go with their vessels into the harbour.

352. Why so?—Because they do not wish to lie aground.

353. Do you happen to know of any vessels having been injured by grounding in the harbour from stones at the bottom of the harbour?—Yes.

354. Do you know any thing of a shoal at the mouth of the harbour, called a cranch?—Only by report; I do not interfere in those things.

355. Or a mud bank?—I have heard of it, but I do not turn my attention to those things.

356. You have spoken of timber being an impediment in the docks; do you happen to know that the Act requires that the timber shall be removed in 24 hours?—Forty-eight hours, I believe.

357. With respect to steamers, have you any thing to do with steamers?—Not as a proprietor.

358. You can hardly speak with confidence as to what is requisite or desirable for them; practically speaking, you are not interested in that trade?—I am not a proprietor.

359. You were asked with respect to there having been some individuals who had thought of establishing a dock upon the site where these docks are now proposed; you remember that?—Yes.

360. Do you know whether it was a part of that scheme that dock dues were only to be paid by those who entered it?—I do not know that.

361. Do you happen to know that it is a subject of complaint at Hull that those have to pay for the docks who do not enter them?—I have frequently heard it mentioned.

362. As a subject of complaint since you have been at Hull?—Yes.

363. Those gentlemen who proposed this site for a dock abandoned it?—Yes, it must have been so.

364. Gave it up altogether?—Yes, it must have been so.

365. They were very sanguine about it?—I do not know.

366. We were told that they were, and that they had published a prospectus recommending it?—I never read it.

367. Do you know Mr. Holderness?—Yes.

368. Was he one of the parties?—I do not know.

369. But, however, you do know, in point of fact, that they abandoned it?—I believe so.

370. Do you know that they were in communication for the purchase of the land that the corporation have bought?—Yes.

371. To be purchased of Mr. Raikes?—Yes.

372. He was the owner of it?—Yes.

373. Was the establishment of that Company the first you ever heard of this site being taken for docks?—Yes, the first I ever heard of it.

374. Did you ever hear of a plan being adopted by the corporation and the Dock Company of making a harbour of the dock?—Never.

375. Have you at all attended yourself, since you have lived at Hull, to the conduct

conduct of the Dock Company with respect to the harbour and cleansing it?—  
Not at all.

Mr. John Tall.

15 June 1840.

376. Do you know whether they have done it?—I cannot speak to that.

377. Neither the one way nor the other?—No, I cannot.

378. Suppose this eastern dock was made, and a vessel got into it, and it was moored there, her insurance would be at an end?—It must be so after a certain number of hours.

379. Supposing any circumstances should make it necessary for her to remove from thence to go into the other docks, and there is no such canal as you have mentioned, she must go out at her own peril into the Humber to get into the other dock?—Yes, it must be so.

380. When a vessel gets into a dock, is it not usual for the crew to be discharged; economy would point that out?—Sometimes.

381. Is it not the ordinary practice?—I believe it is the general practice.

382. If she was obliged to move from thence and go into another dock, it would be necessary to have a fresh crew for that purpose?—There would be parties engaged for the tide.

383. That would enhance the expense?—I do not know that the ship could be compelled to move there.

384. But if there were any circumstances that compelled her to go, those would be the consequences?—Yes, he must effect a new insurance.

385. And get a new crew or new assistance?—That would be taken into consideration before he went there.

386. I think the result of your evidence is, that you think additional accommodation is necessary?—From my own experience; I suffer so much inconvenience in the prosecution of my own trade, I think so.

387. I understand you, the nearer it could be obtained to the old town, upon the whole, the better it would be?—I think so, decidedly.

Re-examined by Mr. Cankrien.

388. I think you stated you are of opinion that the proposed plan of the Dock Company would be more advantageous to yourself and the proprietors in your neighbourhood than any other that has been suggested?—Yes, than any other plan I have seen.

389. Mr. Serjeant *Merewether*.] You spoke of some communications down the river side; you do not mean to represent that they are private communications?—No; the narrow staithways are public communications.

390. All the way down the western side of the river, are there wharfs and warehouses?—Warehouses and private wharfs; no public wharfs, except the open staithways.

391. Mr. *Cankrien*.] Is there any public road along the western side of the harbour?—No, not along it.

392. At intervals the public have access to it?—Yes.

393. Between those staithways, what is there?—Private wharfs.

394. What is the width of it?—Sixteen or 17 feet.

395. Is that sufficient for landing goods?—I should say decidedly not.

396. Are there 10 communications with the river before you come to the south end?—Not so many, I think.

397. Tell me near about how many?—Six or seven.

398. People have a right of going down there, and communicating with the river, have they not?—Yes.

399. Then, with respect to the road that goes down by the side of the river, those are private wharfs?—Yes.

400. But the Custom-house have a right to go down the whole of the space?—Yes.

401. And the Custom-house officers?—Yes.

402. *Committee*.] Can a man walk straight along by the side of the river on that side of it?—No.

403. Mr. *Cankrien*.] With regard to the open staiths, what convenience do they afford to the public for unloading ships?—Very little, I should say.

404. Can ships of a large size get up to them?—All ships that pass along the harbour can lie alongside them.

*Mr. John Tall.*

13 June 1840.

405. How many can lie alongside one?—Not the length of one; the length of one would more than cover the whole length of the staith.

406. And the public can derive very little advantage from them?—I should say, very little.

407. With regard to the complaints made in the town, respecting the payment of rates by ships that do not enter the docks, are you aware how that question is affected by the proposed plan of the Company; do the inhabitants of the town generally object to the Company being enabled to make another dock, on that account; do you understand me?—No.

408. After the new dock is made, will the inhabitants be subject to any additional burthens more than they are now subject to; I mean the merchants of the town, who have ships that do not enter the docks; will those parties, after this dock is made, be subject to any greater burthen than they are now subject to?—Not that I am aware of.

409. You state you are of opinion that the present plan would be more advantageous to yourself and the other merchants than any other you have seen?—Yes, inasmuch as it would take away the large class of ships, and give that accommodation that the general trade now wants.

410. You said, though a communication was not immediately made with the harbour, still it would be more advantageous than any plan you have seen?—I think, if the Dock Company were to make timber-ponds and slip-ways, so as to induce the timber trade to incline to that dock, it would give facilities, even if there is only one entrance from the Humber, but two entrances would be more desirable than one.

411. But, with one entrance, you think it would be desirable for the port?—If one entrance was made, I am satisfied that the large vessels would go there, and if they went there, that would give us the room we require.

412. If you had to carry by lighter round the citadel, the expense would be less than the expense now occasioned?—Yes, it is decidedly the case.

*Examined by the Committee.*

413. You wish there should be a dock on the east, in order to have more room in the old harbour?—No; to have more room in the present docks.

414. Independent of the old harbour?—Yes.

415. Suppose an additional dock is constructed to the west, instead of the east, you will have more room in the present docks?—I do not know where you could get it.

416. If you could put it there?—All we seek is dock-room; as a merchant, it is indifferent to me where I get it.

417. We will suppose the practicability of constructing a dock on the west side; should you not prefer it?—I should prefer it, if we had a road from the other docks to it.

418. If you convert the old harbour into a dock, you must make a passage to the east?—Yes.

419. Suppose we had a dock constructed to the east, we retain the old harbour for the purposes to which it is applied?—Yes.

420. Suppose we had a dock to the west, we lose the old harbour for the purposes to which it is applied, and are obliged to cut a passage to the east?—No, you do not lose the advantage of the old harbour.

421. Suppose you convert the old harbour into a dock, you must have a passage up the river to the east?—Yes.

422. So that the construction of a dock on the west implies the necessity of having a different access to the river?—Yes, I believe so.

423. Have you any shares in the present dock?—No, I have not.

424. *Mr. Serjeant Merewether.*] Have the goodness to look at that, and tell me if you were a subscriber for a piece of plate to Mr. Le March, for opposing the charges of the Dock Company?—Yes.

425. *Mr. Hildyard.*] Which charges are not taken now?—That was the double wharfage.

426. Was not the result of that subscription a trial at law, by which the charges were declared illegal?—Yes.

427. And therefore the charges you subscribed that piece of plate for are not now taken?—No.

428. *Committee.*]

428. *Committee.*] You told Mr. Serjeant Merewether that if there was no communication by canal to the new docks, you should be put to more expense by lighterage?—We should have more lighterage to pay than out of the present docks.

*Mr. John Tall.*

15 June 1840.

429. If the proposed dock was made, would not the old dock be much less crowded?—Yes.

430. There would be considerably less detention in the old dock if the new dock was made?—Yes, certainly; I should take advantage of that dock which was most likely to facilitate my trade.

431. These staiths or streets abut upon the old harbour, but they afford no facility whatever for the unloading or reloading of vessels?—They allow some trifling accommodation, but nothing essential.

432. You have seen the two plans laid before the Committee; as a merchant, which should you give your preference to?—Decidedly to the east dock, on the score of capacity, and the general convenience it could be made hereafter.

433. The plan proposed by the Dock Company?—Yes.

434. Have you seen the tariffs of the two plans; do you know which would be the cheapest?—I do not know that.

435. But as far as convenience goes, as a merchant of the town, you give your preference to the plan of the Company?—Yes; vessels would not get another entrance if the harbour was converted into a dock; there is a complaint at present that there is only one entrance now to the harbour; there is another higher up.

436. Is the land upon which it is proposed to construct the dock by the Company in the town, is it subject to the poor-rates of the town?—A proportion is not.

437. Mr. Serjeant *Merewether.*] Have you seen the plan proposed on our side?—Yes.

438. The entrances will be the same?—Yes, there is an entrance to the harbour, and a river entrance must be made just the same as now.

439. *Committee.*] Suppose the docks made as proposed by the promoters of the Bill; you could not communicate with the existing dock and the new dock without going into the river?—With only one entrance you could not.

440. Supposing the present river made into a dock, should you be able to communicate with the old dock at both ends?—Yes.

441. And then vessels could communicate from the old dock to the new dock without going into the Humber?—I see no advantage in it; because as the harbour-plan is laid down, you could only communicate with the other docks when the tide is up. When I speak of the entrances, I mean when ships are arriving at the port of Hull, there is a great complaint that you have only one entrance to the three docks; there is a second, which is up the river, where ships do not like to go; you would get an additional area, but not an additional entrance.

[The Witness withdrew.]

Mr. *Joseph Sanders* was called in; and Examined by Mr. *Hildyard*, as follows:

442. YOU are a general merchant and shipping-agent at Hull?—Yes.

*Mr. Joseph Sanders.*

443. And have long been acquainted with the trade of the town?—Yes, pretty well.

444. Now, I will not ask you as to the necessity, in your opinion, of further dock accommodation; we will assume that as a matter upon which the Committee are satisfied; assuming there is to be further dock accommodation afforded to the town of Hull, do you think that the plan proposed by the Dock Company in this Bill is, upon the whole, the most eligible that presents itself?—Yes, decidedly.

445. Will you state some of the circumstances that, in your judgment, recommend this plan to you?—The recommendation of this plan is, the very great extent of ground, or rather the sheet of water, that will be the consequence of it, and the great advantage it will be to the timber trade; we shall get timber-ponds, and we shall get very extensive wharfs, which will give very great facility to that description of trade that wants it the most; it would leave this

Mr. Joseph Sanders. trade, that encumbers our docks, which are admirably adapted to carry on the general trade of the port, at liberty to come down here.

15 June 1840.

446. Then it is an eligible situation for the lumber trade itself; and in withdrawing that trade from the existing docks, it will make those docks adequate to the general trade of the port?—Decidedly so.

447. In order that they should give that accommodation, an extensive area is essential?—Yes.

448. Therefore, to get this large plot of unoccupied ground on the reasonable terms on which such ground is to be purchased, is a great desideratum, in your judgment, in a plan of this sort?—Certainly.

449. You hear of the project for converting the harbour into a dock; do you think that a dock constructed out of the existing harbour can afford those facilities which you say will result from a dock constructed as we propose by this Bill?—Decidedly not.

450. State some of the objections that would apply, in your opinion as a merchant, to a dock constructed out of the existing harbour?—In the first place, I apprehend we shall not get so much dock room; in the next place, it is already occupied in part doing business; in the next place, we want great accommodation with respect to wharfs on both sides of the docks; and then we want them, in the next place, to be publicly accessible; we could only have that on one side of the harbour dock.

451. Which side is that?—That is on the east side.

452. Is that the opposite side from the town?—Yes, certainly; where the greatest part of the business, in all probability, would be done in the timber-trade.

453. *Committee.*] You could not get them on that side?—No.

454. You have the citadel on that side?—Yes, we have.

455. *Mr. Hildyard.*] Have you any further remark to make upon that point?—I do not see any at present.

456. You know the staiths leading from High-street down to the haven?—Very well.

457. Are all those public, or are there any private?—They are all private, except the public staithways on the plan.

458. How many are there?—I do not know; I can count them; I should think, six or seven.

459. Those staiths terminate, I believe, as soon as ever they come to the edge of the haven?—Yes, they do in general; they are very narrow and inconvenient.

460. Do they slant very steeply, any of them, to the river?—No, I cannot say that they do; they are all level.

461. Are they sufficiently broad to allow of vehicles passing each other?—I think them very inconvenient; only one can pass at a time.

462. Would, in your opinion, the construction of a dock upon that site place the public trade very much at the mercy (using the term not offensively) of the owners of property on that site?—It certainly would.

463. In your opinion, is that very objectionable?—Yes, I think it is when we are going to make a dock.

464. With respect to the east, that is to say, the citadel side, would there be room there for extensive quays?—Certainly not; there is much more room on that side than the other; and the property all the way, or most of it, is in possession of the corporation of the town, and therefore it would be comeatable on the citadel side; sheds might be erected there, but not at all adequate.

465. What is the breadth of the property that is disposable; is it 100 yards?—No, not 100 yards.

466. Taking off the breadth of this new dock, what breadth would remain?—Very little indeed, if you widen the harbour.

467. Very inadequate?—Quite so, so far as I can judge.

468. Do you imagine that the effect of constructing it as proposed by the present Dock Company would be to cause a material deterioration to the property on the harbour side?—I think not.

469. Do you think, in the long run, it would create any deterioration at all?—It is rather doubtful; I think it might ultimately, but it is at some distance of time, and I think a great distance of time.

470. When

Mr. Joseph Sanders.

15 June 1840.

470. When you state you conceive there is a necessity for this dock, you contemplate there will be an increase in the trade of the town?—I think there will.

471. That increase taking place in the neighbourhood, not very distant, will so far counteract the effect of withdrawing some of the existing trade?—It might withdraw some, but the harbour-side property would participate in it.

472. Would not the same argument be applicable in a greater degree to the property lying more west than the harbour-side property; would not the withdrawal of the trade to the east be still more prejudicial to the property on the west side of the town?—Yes, a great deal more so; the harbour-side proprietors will suffer much more by a harbour to the west than they will to the east, and every proprietor wished to have it where it is.

473. Do you know of any other opposition to this project but the harbour-side proprietors?—No, I cannot say that I do.

474. Have you seen a number of names that signed this petition [*handing a paper to the Witness*]; can you say whether they constitute the whole of the water-side proprietors or only a portion of them; does that list comprise the whole body of harbour-side proprietors, or is it only a fraction?—I think them nearly all harbour-side proprietors, some of which, from conversations I have had with them, would be satisfied to have the dock where it is proposed to be placed, provided there was a communication with the river.

475. My question was, did they constitute the whole body of harbour-side proprietors, or are there any who do not appear here?—I cannot tell that; I see that they are all harbour-side proprietors.

476. We have had here a plan launched, which Mr. Ward called a pretty plan; just look at it for a moment [*it was handed to the Witness*]; did I understand you to state that you were not able to say whether these names comprised the whole body of harbour-side proprietors?—I cannot say; I know many of them.

477. Mr. Henwood?—I did not observe his name; he is a proprietor.

478. His name is not here?—No.

479. You are not sufficiently acquainted with them to give an answer?—There are many of them I know.

480. Whose names do not appear here?—Yes, they do.

481. There are many of the harbour-side proprietors; but whether they are whole you do not know?—Yes.

482. Is Mr. Levitt a harbour-side proprietor?—Which Mr. Levitt?

483. Mr. Norrison Levitt?—Yes, I think he is.

484. I asked you to look at that plan?—Has that plan, or any thing approaching to that plan, been exhibited in the town of Hull, to see what support it would gain?—I believe not at all; I never saw it at Hull.

485. Has it ever been seen there; I believe not; I had very great difficulty in getting it from my friend.

486. How late was that difficulty felt?—In the last week.

487. Do you believe that that would, as a counter project, receive the support and concurrence of the majority of the merchants of the town of Hull, and those interested in the trade?—I should think not; it is the timber trade which we want the accommodation for, and it does not offer that accommodation.

488. Are you aware that Mr. John Smith and other persons opposing this project did contemplate two or three years back the construction of a dock upon this very site?—Yes, I am.

489. Is that Mr. John Smith who is sitting by my learned friend?—Yes.

490. He is a very influential opponent to this measure?—Yes, we often had conversations upon the subject, and he was favourable to that site.

491. Do you know that a few years back he was himself promoting a project for constructing a dock upon this very spot?—I believe he was.

492. You never saw a plan of it?—Yes, I have, several times, I believe.

493. Should you be able to recognise this plan, do you think [*handing a plan to the Witness, produced by the clerk of the peace*]; is that, to the best of your belief, the plan that was in contemplation?—I believe so; it is the very same.

494. Was it for want of funds on the part of the projectors of that plan, that that plan was carried no further?—[Mr. Serjeant *Merewether*. Have the goodness to answer the question from your own knowledge?—Mr. *Hildyard*. Do



Mr. Joseph Sanders. you know that it was from the want of funds that the project was abandoned by those who originally proposed it?—I have always understood it to be so.  
 15 June 1840. 495. Is not that the universal impression in the town of Hull?—I believe it is.

Cross-examined by Mr. Reynolds.

496. Do you recollect the period when this plan for the Queen's Dock was brought forward?—Yes, I think so; it is, I believe, two years ago.

497. *Committee.*] That is the proposed plan that was abandoned?—Yes.

498. Mr. Reynolds.] Do you remember the time when the Queen's Dock project was brought forward?—Yes, I do.

499. Do you remember that the Dock Company brought forward a similar project about that time?—To the west?

500. No, it was not to the west.—You asked me if the Company brought forward a project for a similar dock.

501. At the same spot?—We had great difficulty to get the Dock Company to consent to give us a dock at all.

502. Do you remember when they set on foot a plan to make a dock to the east?—We had great difficulty in getting them to make a dock to the east.

503. Was that at the time the Queen's Dock was in discussion?—It was afterwards.

504. You are not aware of an advertisement that appeared in the newspapers upon the subject of withdrawing that plan?—Yes, I recollect it. In case the Dock Company would come forward to make a dock to the east, then your party would give up the dock to the east; but the moment they came to the east, you bounced back to the west.

505. Did we bounce back before they came to the east, or afterwards?—You went back since that time.

506. We gave up our project upon their taking it up?—Yes, I think you did.

507. Have you any knowledge of who were the individuals connected with it, besides common report?—Yes, yourself and Mr. John Smith.

508. Have you any knowledge of that, otherwise than by common report?—Yes; I have talked to you and Mr. John Smith about it.

509. Did we ever confess we were concerned in it?—Mr. John Smith offered to take 1,000*l.* shares in it, one or two shares. I took him, and showed him over the land; I showed him the eligibility and the great merit the land possessed. He said he was of the same opinion, and he said if the project could be got up he would take one or two shares.

510. Did you show him any land of your own at the same time?—I do not know that I did.

511. Have you any there?—Yes.

512. Suppose it is necessary, in consequence of this dock, to create a new town and a new market-place, where would your land be?—Just where it is; I could not move it.

513. Would it be the new market-place?—No.

514. Would it be a convenient site for it?—The convenient site would be Dry-pool Church.

515. How far would your property be from it?—Ten minutes' walk.

516. How far would your property be from the new dock?—A similar distance.

517. In what direction?—The north.

518. You would form an angle of the square, ten minutes to the market, and ten minutes to the dock?—Yes, it might; but my property is on the other side of the Heddon road; I wish to be understood distinctly, it would be entirely cut off, the Heddon road on one side, and Prospect-place on the other.

519. *Committee.*] Is it built upon?—Partly built upon.

520. Mr. Reynolds.] My learned friend has asked you a question about Mr. Henwood; is Mr. Henwood a dock proprietor?—Yes.

521. Is he acting, at this moment, as deputy chairman in the absence of Mr. Parker?—Yes; and I think he is a very proper man.

522. And not a very likely man to subscribe against his own project?—I do not know that; I know that he has never been favourable to a dock being made in the harbour where his property is; I have had many conversations with him, and know very well what his mind is. I should like to say a word about

about my property; my property I will offer to Mr. John Smith and yourself, at a fair valuation, after I have given my evidence, before I got out of the room; and Mr. Tadman, whose honour has never been doubted, shall value for us.

Mr. Joseph Sanders.

15 June 1840.

523. Should you be surprised to hear, that although Mr. Henwood has not subscribed, he has furnished us with documents to help us?—I know nothing about that.

524. Now who is Mr. Levitt; is he the son of the late clerk of the Dock Company?—There are several Mr. Levitts.

525. Was Mr. Levitt the clerk of the Company?—A question was asked me if Mr. Norrison Levitt occupied property on the Hull side; I know he does.

526. Is he the son of the late clerk to the Company?—Yes, he is.

527. Your principal reason for objecting to the plan before you is, that it will not afford free access to the public, sufficient wharfage, and as great accommodation, in point of area, as the other?—I think it will not.

528. If it should, upon inquiry, turn out it will afford more accessible surface than the other, and a greater extent of wharfage by 800 or 1,000 yards than the other, and free access by ways public to the river, would this difficulty that existed in your mind, as to its eligibility, be removed?—No.

529. What are your objections to it?—I am satisfied it would cost the Dock Company double as much.

530. I am suggesting to you, if it should turn out to be the very reverse of what you suppose; will it remove all your objections?—Yes, if you can give all the accommodation in the harbour we can get on the east, and you can make a cheaper dock, then you make the Dock Company converts to it.

531. You would be a convert too?—Yes, I think I should.

532. I think you are of opinion that the new dock will not be advantageous unless there is a communication with the harbour?—Yes, I believe that to be the general feeling of the town.

533. Unless there is a communication between the dock and the harbour, it will be very inconvenient?—Very inconvenient, indeed.

534. *Committee.*] In respect to those staiths, is it proposed that the Company shall throw open those staiths, and make a communication all the way; would not that benefit the public?—They cannot do that without pulling down the whole front of the warehouses and dress them back.

535. Could not they throw the building out?—Then we should narrow the space of the river.

536. Did you not say that that would not give you that accommodation for the timber you want?—It would not; and I do not think the engineer can show that it would.

537. What do you apprehend to be the breadth of those small staiths?—They would admit of a small cart.

538. Could a cart turn round?—At one end of it; but they must get upon the open quay before they can do it.

539. It would not admit of a large waggon turning round?—They are very inconvenient indeed.

540. Is not the principal business done in sufferance goods done through the means of these staiths?—I think it is; I have had no reason to complain.

[The Witness withdrew.]

The London Gazette of the 16th of November 1838, containing the notice for a Bill to make the Queen's Dock, was put in.

[Adjourned till To-morrow, at Twelve o'clock.]

*Martis, 16<sup>th</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

*James Walker, Esq., was called in; and Examined by Mr. Hildyard, as follows:*

*J. Walker, Esq.*

*16 June 1840.*

541. I BELIEVE you are the President of the Institution of Civil Engineers?—Yes, I am; but I was just about sending round to request you not to put that question to me.

542. I believe for a considerable length of time you have, as an engineer, been engaged in works of this description?—Yes, I have.

543. With harbours and docks, as well as railways?—Very much more with harbours and docks than with railways.

544. You have, I believe, also been connected with various works in the port of London?—Yes, I have.

545. You are consulting engineer to the Dock Company at Hull?—Yes, I am.

546. How long have you been their consulting engineer?—Since previous to the formation of the Junction Dock, about 16 years now.

547. Was the Junction Dock executed under your superintendence?—Yes, it was.

548. Were you, in September 1839, applied to by the Hull Dock Company, to furnish a plan for making a dock on the east side of the citadel?—Yes, I was.

549. Was that dock to have a communication with the Humber?—Yes.

550. I believe you also considered the practicability and possibility of getting a communication between that dock and the harbour, or old dock, by means of a canal?—Yes, I did.

551. That plan, of course, when completed, was submitted to the Dock Company?—Yes, it was.

552. Did it receive their approbation?—Yes.

553. When did the Dock Company signify their approval of your plan?—I think, in October 1839.

554. Were you, in consequence, directed by the Dock Company to make the necessary plans for depositing, and the estimates, with a view to an application to Parliament?—Yes.

555. Did you at the time you made the survey examine the nature of the ground by borings?—Yes.

556. I suppose, previously, you had some acquaintance with the nature of the soil, having been so long connected with the town of Hull?—Yes, I had.

557. You are aware, probably, that the timber trade forms a very prominent feature in the trade of Hull?—Yes, I am.

558. Taking into consideration the extent and importance of that trade, and the insufficiency of the accommodation for the timber trade in the existing docks, do you consider that the proposed site is a site well adapted for the construction of a dock?—I think it well adapted for the construction of a dock, particularly for such articles as the learned counsel has referred to, for Baltic produce, and all other bulky goods.

559. You are the engineer of the Hull and Selby Railway?—Yes.

560. You have probably a good opinion of the prospects of the town of Hull, as regards that work?—Yes, I have a very good opinion of it.

561. Do you consider it of great importance, taking into consideration the present state and prospects of the trade of the town, to have a large additional area of water accommodation for docks?—Yes, I do.

562. Is that secured by adopting this site?—Yes.

563. Tell the Committee what is the area of the proposed dock?—Fourteen acres.

564. Is it proposed that the whole dock should be of an uniform depth, or is it divided into two areas of different depths?—It is divided into two areas of different depths.

565. What would be the area of the deepest part of the dock?—Nine acres.

566. What would be the depth of those nine acres at high-water.—Twenty-three feet at spring tides, and 17 feet at neap tides, there being a difference of six feet between the high-water at spring tides and neap tides.

567. Of

567. Of course, it will not be what is called a tidal dock?—No.

568. *Committee.*] Is that supposing that the level of the dock is the same as at the outside?—Yes.

569. It will not be so low as that?—No; but those are the best data to go by, from the tide in the river.

570. *Mr. Hildyard.*] As the vessels pass in and out rapidly, they may reduce the water in the dock?—Yes; but I have given the minimum depth of water at neap tides.

571. You say the area of the deepest portion will be nine acres, and the area of the remainder will be five acres?—Yes.

572. What will be the depth of that five acres at spring tides and neap tides?—Twenty feet at spring tides, and 14 feet at neap tides.

573. Will the deepest part of the dock be on the western side of the dock, or on the eastern?—On the eastern side, nearest to the communication with the Humber.

574. I believe it is in contemplation, though no part of this project, that extensive timber ponds should be formed?—Yes, there is an opportunity of doing so.

575. And if this Bill were to pass in the shape in which it is, and the timber ponds were to be constructed, would they be constructed on the eastern side?—Yes, I think that is the best place for them.

576. So that the timber vessels, which draw the greatest depth of water, will have access to that part of the dock nearest to the timber ponds?—Yes.

577. *Mr. Serjeant Merewether.*] It is so, is it, Mr. Walker?—Yes; the east country vessels draw the most water; but the reason of its being that depth is, that the heavy ships may occupy that part of the dock, and communicate with the Humber.

578. *Mr. Hildyard.*] Besides this area, which is appropriated to the dock, do you propose to have an entrance basin?—Yes.

579. That entrance basin is represented in the plan with the word "Basin" upon it?—Yes.

580. What is to be the area of the basin?—Upwards of four acres.

581. What will be the depth of the water in that basin, at high-water, during the spring tides?—Twenty-five feet.

582. Subtracting the six feet; 19 feet at neap tides?—Yes.

583. Do you consider it important that a dock intended for the purposes that this port is chiefly applied to, should have extensive quayage?—Yes, I do.

584. You have allotted considerable room for quayage in your plan?—Yes, I have.

585. State to the Committee what is the quayage it is proposed this dock should have?—The total length of quayage round the dock is 3,640 feet.

586. *Committee.*] That is the length?—Yes.

587. Does that include the basin?—No, the dock only.

588. Nor the ponds?—No; of which 1,980 feet will be opposite the deep part of the dock, and 1,660 feet will be opposite the less deep part of the dock.

589. *Mr. Hildyard.*] I imagine that quayage will not be of uniform depth?—No.

590. Tell us the extreme depth, and to what extent that depth will prevail?—The extreme depth is 190 feet, the smallest depth is 75.

591. How many lineal feet will have the depth of 190 feet for quays?—One thousand seven hundred and thirty feet.

592. That is the portion of the quayage that will be opposite the deep water, is it not?—Yes, I think it is all.

593. What is the least breadth of quayage that will exist?—Seventy-five feet.

594. How many lineal feet will have 75 feet of quayage?—Nine hundred and ten.

595. Then there are two intermediate portions, one of 100 feet in depth, and the other of 130?—Yes.

596. How many superficial feet of quayage do all those figures give you?—Five hundred and four thousand four hundred and fifty superficial feet, about 11½ acres of surface.

597. What would be the quayage of the basin?—About 1,550 feet.

598. Lineal feet?—Yes, lineal feet.

*J. Walker, Esq.*

16 June 1840.

599. *Committee.*] What depth is it?—The depth is very various; the depth is very considerable; I will give it to you in one moment; it will average about 300 feet of depth.

600. *Mr. Hildyard.*] Did you state what would be the area of the piers exclusive of the roads?—No, I have not.

601. State to the Committee the area of the piers exclusive of the roads?—The piers or quays round the basin; the area is about 10 acres round the basin, or 437,750 feet.

602. The whole of that, I believe, will be constructed upon the fore shore, and not any encroachment on the existing land?—There is no part of it but what is on the fore shore.

603. *Committee.*] By the area of the piers, you mean the quays?—Yes, the quays.

604. What is the acreage of the quay room round the dock itself, exclusive of the basin?—Eleven acres and a half.

605. *Mr. Hildyard.*] Therefore you have a quayage to the extent of 21 acres, including that round the basin and that round the dock?—Yes.

606. Taking your vessels to be vessels of from 200 to 300 tons burden, how many sail of vessels will the proposed dock accommodate?—One hundred and forty.

607. How many vessels have you allowed to an acre?—Ten.

608. Does that also make allowance for room for passing one another?—Yes, it does; it is the principle I have always gone upon in the port of Hull.

609. Are you acquainted with the size of the first-class steam-vessels that frequent the port of Hull?—Yes.

610. Have you made any calculation with respect to them as to the accommodation this dock will afford?—Yes; I think the dock, supposing it occupied by steamers of the larger class, will contain 35 only.

611. How many does that allow per acre?—About two and a half per acre.

612. Leaving space for passing one another?—Yes.

613. How many would the basin accommodate of the same class of first-rate steamers?—Ten.

614. Upon the whole, therefore, the dock and basin filled with steamers would contain 45 of the first-class steamers?—Yes; and of ships from 200 to 300 tons 140, and 35, making 175.

615. *Mr. Serjeant Merewether.*] In saying that your dock will contain 140 vessels, what is the 35?—I beg your pardon, it is 42; the learned counsel did not ask me the number of ships that the basin would contain; it is 182 in the dock and basin, or 45 steamers in the dock and basin.

616. *Committee.*] Are there any gates to the basin?—Not outside.

617. What is the depth of the water at low-water in the basin?—Very little water.

618. So that the steamers lie aground there at low-water?—Yes; which is not convenient.

619. Is there much mud there?—Yes, a superabundance.

620. If I understand you right, you have not made allowance for the 140 vessels of from 200 to 300 tons, and 45 steamers together?—No; I must not be supposed to mean to say that 42 ships of that size are ever to be in the basin at a time; but if they were there, there is no room for steamers; that gives the Committee, and I presume that is the object of the learned counsel, an idea of the area of the different works. I wish to explain one other point, as it is put to me by a Member of the Committee; I do not mean to say that the tidal basin, which, as the honourable Member asked me that question, I said was nearly dry at low-water, is the best place for large steamers to lie; they are much better in a dock.

621. What is the tonnage of the large steamers at Hull?—I do not know that I am the best authority for that; I should say from 1,000 to 1,200 tons; there are some gentlemen here who can state that.

622. *Mr. Hildyard.*] That is the tonnage of the largest class, engine-room and paddle-boxes included, measuring them as steam-ships.

623. *Committee.*] Which may we take; the 1,000 or 1,200?—You may take 1,200.

624. What is the breadth across the paddle-boxes?—Fifty-four feet; I hold in my hand the dimensions of one of the large steamers of the port of Hull, if the Committee wish it.

625. If

*J. Walker, Esq.*

16 June 1840.

625. If you please, what is the name of it?—The “Tiger;” her extreme length is 188 feet, the extreme width 54 feet, including paddle-boxes, the depth 18 feet.

626. What is meant by the depth?—That is, not drawing water, but from the deck to the hold, the draught when laden with coals, 13 feet. The “Victoria” is another very large one, nearly as large as the “Tiger.”

627. Where does the “Tiger” trade to?—To Hamburgh.

628. What is the tonnage of the “Tiger?”—The tonnage of the “Tiger,” which is taken here for duty, exclusive of the engine-room, is 630.

629. What will the engine-room add to it?—From 200 to 300 hundred tons.

630. Do you know the power of her engines?—Three hundred horses; this vessel was measured in 1838; steam-packets have grown a little since that, and I presume they have in the port of Hull. I wish merely to explain to the Committee, that supposing a vessel to be 200 feet in length, taking it in round numbers, and 60 feet beam, including paddles, a parallelogram of that size is 1,200 superficial feet, which is less than one quarter of an acre; I have taken two and a half only per acre; I think that is the better way to give to the Committee a general idea of the space.

631. *Mr. Hildyard.*] What is the proposed width of the entrance to the basin?—One hundred and twenty feet.

632. Do the piers of the basin incline inwards?—Yes, they do a little.

633. With what object is that?—To throw the entrance out of the stream tides.

634. I suppose there are general principles upon which the entrances to basins are constructed; is this constructed with a view to facilitate the entrance into the basin?—The entrance of ships into the basin.

635. What is to be the length of the communication lock?—The length is 210 feet, and the width 60 feet.

636. Is that width adapted to the first-class vessels?—Yes, it is; speaking from recollection, I think that the largest steam-vessel that has yet been built is six feet above this; 66 feet the “British Queen;” but I apprehend that in the port of Hull it would not be necessary to take that very extreme case.

637. Do you know the burden of the “British Queen?”—I think she is upwards of 2,000 tons.

638. *Committee.*] This 60 feet would admit any steamer that plies to Scotland?—Yes; a great deal more than that.

639. Is there a tendency to increase the size of steam-boats?—Yes, there is; but I think it may be doubtful whether the width will be increased; I think more likely no than yes.

640. Does that tendency not to increase the width, apply to American steamers, or to steamers plying between England and the continent?—To both; but I should say, principally to those between America and this country.

641. Is it found to be attended with economy, in the working of the steamers to increase the size?—Yes.

642. *Mr. Hildyard.*] Economy would require that the size of the vessel should be adapted to the traffic the vessel is to carry on?—Yes; but when the question is put in the abstract, I answer it in that way.

643. *Committee.*] Was the length you gave of the “Tiger,” the extreme length over all?—Yes, the extreme length over all.

644. *Mr. Hildyard.*] Now, with respect to the communication between the western or upper portion of the dock and the old harbour, what is the proposed width of that communication?—Thirty-six feet the lock.

645. Is there what is called a lie-by, or recess, to enable vessels to pass?—Yes, there is.

646. *Mr. Serjeant Merewether.*] That is the lock nearest the Hull River?—Yes.

647. *Mr. Hildyard.*] That is the width of the whole channel, except the lie-by?—Yes.

648. *Committee.*] What is the breadth of the recess?—Where the recess is, it is about 80 feet.

649. *Mr. Hildyard.*] What do you say the entrance lock from the river Hull is to be?—One hundred and twenty feet the chamber of the lock, as it is called.

650. *Committee.*] What is the whole length of the channel, including the lock?—Two hundred and fifty yards.

*J. Walker, Esq.*

16 June 1840.

651. *Mr. Hildyard.*] That is the whole length of the channel ?—The length of the narrow part, including the lie-by.

652. *Mr. Serjeant Merewether.*] Give us the whole length from the dock to the river ?—I will give you now, as *Mr. Serjeant Merewether* wishes it, the whole length from the dock to the river ; from the river to the dock is nearly 300 yards.

653. *Committee.*] What is the depth of the canal ?—I think I gave you that before, but I will give it again ; the communication is intended to be of the same depth as the least deep part of the dock ; 20 feet at spring tides, and 14 feet at neap tides.

654. *Mr. Hildyard.*] Of what material do you propose to construct the dock and lock walls ?—The dock and lock walls are proposed to be constructed chiefly of brick, faced with stone, and resting upon a piled foundation.

655. Does your facing of stone commence after the walls get above the water at neap tides ?—Yes, below that.

656. That would be the governing point, I suppose ; were the Junction Dock walls built in that way ?—Yes, they were.

657. Have they answered fully the purposes for which they were intended ?—Yes, I believe they have.

658. Has there been any settlement or failure that you have been made acquainted with, as consulting engineer of the Company ?—None at all.

659. Of what material will the wharfing of the basin walls be constructed ?—Of timber.

660. With respect to that portion of the walls next the river bank, how will they be formed ?—After making the return, the back part is intended to be formed of sloped stone, sloping towards the river.

661. *Committee.*] What is the wharfing ?—The sides of the basin are to have a wooden wall, not a brick wall.

662. *Mr. Hildyard.*] Now I will ask you as to your estimates ; what is your estimate of the expense of constructing the whole of the works to which you have been examined, not taking into consideration the value of the land or the compensation, but the expense of construction ?—Two hundred and forty thousand pounds.

663. Can you tell me how much of that estimate applies to the communication between the dock and the old harbour, the canal ?—Fifty thousand pounds.

664. That, I think you stated, is exclusive of the cost of purchasing the land, and the compensation that may have to be given for the premises that will be injured or taken ?—Yes, it is.

665. I imagine it forms no part of your duty as an engineer to estimate the premises, the value of the land, or the compensation ?—No, it does not.

666. What has been returned to you as the estimate under that head ?—Sixty thousand pounds, the cost for the land and the compensation.

667. Assuming that last item to be a correct one, it will make the whole cost of this undertaking 300,000*l.* ?—Yes, it does.

668. That sum does not embrace the cost which would result from constructing the timber pond of which you spoke ?—It would, if contingencies were not added to the sum I have estimated the different works at.

669. It would if contingencies were not added to the sum you have estimated ?—Yes.

670. Is it not your universal practice to add a sum for contingencies ?—It is mine in giving estimates to public companies.

671. Does not the cost of constructing those works very often exceed the estimate, inclusive of the contingencies ?—Very often, but not always.

672. What per-centage have you allowed for contingencies ?—Ten per cent. ; the contingencies amount to 21,818*l.*

673. *Committee.*] That would be about the expense of constructing the timber pond ?—Yes, about that.

674. *Mr. Hildyard.*] Do you add the contingencies with a view to cover the expense of the timber pond, or upon the principle that an outlay of this sort ought to be protected by a per-centage of that sort ?—I added it upon the second principle that the learned counsel has referred to.

675. Did you think it right, in order to secure yourself against unforeseen occurrences, that a per-centage should be added ?—Yes, I did.

676. *Committee.*] The whole amount, including the pond, without the contingencies, is 300,000*l.* ?—Yes.

677. You

677. You have added 10 per cent. upon the whole sum, to give a complete estimate?—I have not done that.

678. But that would be your complete estimate ; 300,000*l.*, plus 10 per cent. ?—Yes.

679. Mr. Serjeant *Merewether*.] I understand that the 21,818*l.* is included in the 300,000*l.* ?—Yes.

680. That is leaving the pond out ?—Yes.

681. If the pond were made, it would cost about 21,000*l.* ?—Yes.

682. *Committee*.] Taking the whole amount of the works and 10 per cent., that is about 330,000*l.* ?—Yes.

683. Mr. Serjeant *Merewether*.] If I did not give contingency, you say you could build the timber pond within that ; but if I take the contingencies as I usually do, I have no sum for that pond ?—That is right.

684. *Committee*.] Was the 21,818*l.* the contingencies on the whole work, including the pond ?—No, only on the dock and the canal.

685. Cannot you give us the whole amount, including the timber pond and the per-centage ?—It is better to take it in round numbers at 330,000*l.*

686. That includes the whole of the work ?—Yes.

687. Mr. Serjeant *Merewether*.] Does that include the land for the pond ?—Yes, it does.

688. Mr. *Reynolds*.] That includes every expense ?—Yes.

689. Mr. *Hildyard*.] It includes it, because that land is included in the 60,000*l.* returned to you as the sum necessary for purchasing the land you have put into your book of reference ?—Yes.

690. That land being in the book of reference, the Company get the power to construct it ?—Yes, just so.

Mr. *Hildyard* stated, he took for granted that Mr. Serjeant *Merewether* would cross-examine the Witness as to the merits of his own plan ; and if he did so, he (Mr. *Hildyard*) could re-examine upon it.

Mr. Serjeant *Merewether* stated, he should not cross-examine Mr. Walker upon any thing upon which he had not been examined in chief.

The plan produced by the Petitioners against the Bill was put into the hands of the Witness.

691. Mr. *Hildyard*.] Are you aware that certain persons in the town of Hull have a project of converting the harbour into a dock, in lieu of any other ; have you heard that there are persons having that project ?—Yes, I have got the plan now before me.

692. When did you first see that plan ?—I think the first or second day of the meeting of this Committee I saw it in the Committee-room, not before.

693. Had you previous to the seeing of that plan heard there were certain gentlemen who had such a project ?—Yes ; I recollect in 1836 having had a report given to me, stated to be the report of a gentleman at Hull, in which a plan of that kind was recommended.

694. In consequence of having heard that, have you turned your attention to the practicability of converting the harbour into a dock ?—I did at the time, without any plan as to the general principle of it.

695. Mr. Serjeant *Merewether*.] Was it a report of 1836 you had, or was it handed to you in 1836 ?—The report was in 1835 ; it was handed to me in 1836.

696. Mr. *Hildyard*.] In consequence of that, you had attended to the matter ?—Yes.

697. Do you think that the harbour can be converted into a dock so as to furnish a more desirable dock than that the particulars of which you have been detailing to the Committee ?—No, I do not.

Cross-examined by Mr. Serjeant *Merewether*.

698. Your calculation is 300,000 *l.* ?—Yes.

699. But in that was included 10 per cent. for contingencies amounting to 21,818*l.* ?—Yes.

700. That reduces the estimate for your works to 278,182*l.* ?—Yes ; no doubt you are correct.

701. That is the calculation you made for your works ?—Yes.

702. Then, including the land and the contingencies, I understand your full amount will be 300,000 *l.* ?—Yes.

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703. Then



*J. Walker, Esq.*

16 June 1840.

703. Then you do not make any provision for a debt of 50,000 *l.* being paid out of the 300,000 *l.*?—I had nothing to do with provisions for debts at all; I estimated the works.

704. You think the work will cost 300,000 *l.*?—Yes, and the contingencies.

705. The timber pond is to be added to that?—Yes; if the timber pond is added, it will cause an addition of 21,000 *l.*

706. Are you aware of the declaration that has been deposited by the solicitor of the Dock Company, calculating upon a fund that amounts only to 20,000 *l.*?—No.

707. You do not know that?—No, I never saw it.

708. Just look at that?—[*handing a paper to the Witness.*]—I have no doubt it is so.

[*Upon the inspection of the paper, it appeared to be a yearly revenue of 20,000 *l.**]

709. Have the goodness to tell me whether the sloping stone-work you mentioned as your basin, is to apply to three sides or only one that fronts the harbour?—It is to apply only to the part of the returns that approach the high-water at the back of the basin walls. If the Committee will allow me, I will pass a sketch to the Chairman that will explain it.

[*A Sketch was handed in.*]

710. I understood you to say in your original examination your basin is to extend altogether in front of the fore shore?—Yes, it does.

711. The 10 acres you include in that basin are altogether on the fore shore?—Yes.

712. And within high-water mark?—Yes, nearly.

713. You have stated a sloping stone-bank by which you intend to protect the basin; is that applicable only to the side next the Humber or to the other sides?—It is applicable to a part of both the east and west side, but to a part only; 116 yards on the west side, and 100 yards on the east side.

714. I presume that that is the part which is next the Humber?—It is part of the space between high-water and low-water, fronting the Humber on the return.

715. Of course the return will be that which is nearest the deep water of the Humber?—No, it is not; it is that which is nearest the shallow water of the Humber.

716. Nearest the shore?—Yes, nearest the shore.

717. The wall fronting the Humber is to be of stone?—Yes, it is; this sketch shows what is to be brick, what is to be timber, and what is to be stone [*explaining it to Mr. Serjeant Merewether*]; a part of the return from low-water up to the bank of the Humber, both on the east and west side, is partly to be faced with stone; the whole of the other part, down to low-water next the Humber, returning all round the basin, is to be of timber wharfing.

718. Have the goodness to tell me your reason for adopting the timber next the tide?—The greatest reason was economy.

719. Is there any other?—I should say expedition also.

720. Expedition in the execution?—Yes; but my strongest motive was economy.

721. I perceive in that part of the basin next to the river, the entrance to the basin recedes a little from the line of the two angles?—Yes.

722. Will you tell me the reason for that?—The reason of it is to keep the vessel entering the basin out of the stream or strong tide.

723. The tide is very strong there, is it not?—Yes.

724. I see your entrance has an inclination to the westward?—Yes, it has.

725. Is that with a view to the strength of the tide?—That is to enable a vessel to enter when she is under the impulse of the tide.

726. A flowing tide?—Yes, a flowing tide chiefly.

727. *Committee.*] How will that facilitate it?—When a vessel is coming up intending to enter the dock, she swings; in place of being broadside, she slides in obliquely.

728. With the influence of the tide on her stern?—Yes; in place of exposing her broadside to the tide, the action of the tide strikes her obliquely, and she goes in rather as a vessel that is sailing against the wind.

729. *Mr. Serjeant Merewether.*] Your object is to give her when entering the basin a slanting position with her head towards the tide?—With her head downwards.

730. In

*J. Walker, Esq.*

16 June 1840.

730. In the direction that the tide is coming?—No, not in the direction that the tide is coming, but rather the reverse; her head looks down the tide; the flood tide goes from east to west, the vessel looks to the eastward; her head looks to the eastward.

731. The tide coming that way, your inclination is so, that if a vessel is coming in in this direction, instead of having her broadside exposed to the tide, you cant her head round this way?—Yes, she cants herself; there is no preventing it.

732. Now let me just ask you, whether when you have calculated upon 10 vessels to the acre, are you aware whether the Humber Dock was calculated at seven by Mr. Rennie?—No, I do not remember it.

733. Will you tell me the whole length of the projection of your basin from the high-water mark?—About 200 yards.

734. That is entirely a new projection made by you into the river from the high-water mark?—Yes; it occupies the whole space between high and low-water mark.

735. Can you tell me how far it projects beyond low-water mark?—About 20 to 30 yards at the extreme point; it is 20 yards, not exceeding 20 yards, at any point.

736. You know the river well?—I know that part near Hull pretty well.

737. Do you know where your railway terminates?—Yes, I know it very well.

738. There is a projection in the shore there; the shore is more to the southward than it is lower down, opposite Jackson-street, at the extremity of the Humber bank?—Yes, there is a small projection at Jackson's Quay.

739. From that to the eastward, there is no projection that comes out so far as the one you are now proposing?—I should think that the basin of the present Humber Dock comes out nearly as far.

740. Just have the goodness to measure it?—I know it; the plan which is before the Committee will show the whole thing better than any explanation of mine can give it.

741. Does not that basin which you have alluded to as extending so far, extend much further than any part of the old line of the fore shore did?—Yes.

742. It extends beyond low-water mark?—Yes, the basin now extends below low-water; at the time the basin was made, I believe it did not extend beyond it; but the projection having increased the velocity of it, the low-water comes up to the piers.

743. At the time it was made, you think that the low-water did not come so near to it?—No, the low-water is now within the piers; but with regard to the projection into the river, I cannot give so intelligible an account of it as the sketch I hold in my hand.

744. *Committee.*] Do I understand you that the projection of that basin is likely to deepen the water?—Yes, in the front of it, but not at the back of it; I have no doubt of it, because I know that the old sections of the river show the projection not to be below low-water, and now the low-water comes within the piers; and I think that the natural effect of a projection will be to increase the velocity.

745. *Mr. Serjeant Merewether.*] Just do me the favour to look at that plan, which is 1774 [*handing a plan to the Witness*]?—What am I to tell you about it?

746. I want to know from that whether you cannot inform me that the pier of that basin was not originally placed below low-water mark?—No, I cannot tell from that plan.

747. Do you see the line of the old fore shore upon that plan?—No, I do not; I see the line of high-water on the Humber bank, but nothing of the fore shore; I cannot discover it.

748. Refreshing your recollection about a spot which you know full well, where the railway comes, have the goodness to tell me whether you think upon reflection that the basin does not extend, and did not extend when it was made, beyond the low-water mark?—I really have told you all I know of it, that I believe it did not.

749. Did you know Hull at the time the Humber basin was built?—No, I did not.

750. Your impression is, that originally it was not built out below low-water?—I did not say that.

751. I thought you did?—No, I did not say below low-water mark, but not beyond it; I have given you the general knowledge I have, but I must be excused, upon referring to old plans, giving more than a general impression; I tell you the fact, and I suppose the fact I have given is a fact in your favour; I volunteer the

*J. Walker, Esq.*

16 June 1840.

fact, that at the time the Humber Dock basin was made, so far as I can refer to old plans, it did not project below the line of low-water.

752. *Committee.*] Have you any personal knowledge of it?—No.

753. Mr. Serjeant *Merewether.*] You did not know the spot before the Humber Dock was built?—No, I did not.

754. You now state you are consulting engineer to the Dock Company; has there not been an alteration made very recently in the front of that basin towards the river?—Yes; it is making now.

755. And I believe it consists in throwing forward the eastern pier, which lies diagonally upon the plan, and carrying it out square?—Yes.

756. That is the effect of it?—Yes.

757. It is marked upon your plan?—Yes.

758. Those dotted lines mark it?—Yes, they do.

759. Do you know whether that has had any effect in increasing the accumulation of mud there?—No, I do not.

760. You have not observed it?—No.

761. Can you tell me when that alteration began?—I cannot say correctly; I think it is about three months since.

762. You are well acquainted with the Humber?—I have said already, I know the part in the neighbourhood of Hull.

763. You are acquainted with the river?—Yes.

764. Your attention was called to it in relation to the railway?—Yes.

765. In which you are a considerable sharer?—Yes, I am.

766. Which is it?—The Hull and Selby Railway.

767. From your knowledge of the Humber, do you think it probable that the mud has increased in consequence of the alteration in the basin within the last three months?—In what part?

768. To the eastward of the construction?—I do not know the fact, but I am quite ready to say that any projection into the Humber has a tendency to cause a settlement of mud on both sides of it.

769. From long experience of the Humber, you know that to be the case?—It is the experience of common sense.

770. But there is a great deal in degree; does not the Humber do it in a degree that is unusual?—Yes, it is a very muddy river, more so than most rivers.

771. More so than the Thames?—Yes.

772. With regard to the Thames, there is a point we can ascertain easily; in consequence of the projection of the buildings at the back of this next to the river, is there not a very considerable accumulation of mud between the dam which has been made for the erection of it and Hungerford Stairs?—I expected there would have been, and I so reported to the Board of Works, previous to the works beginning. The work was done under my directions, and the line fixed by me; but as regards the result, it appears I have been mistaken; that the tendency has been what the learned counsel states, but the action of the steam-packets upon the shore has been such that the mud is quite as low as it was before.

773. Do you mean to say that the mud has not collected from Westminster Bridge to Whitehall Stairs?—In some places it has, and in some not; and I must go here from the authority of others, in some degree. The part where I thought it would accumulate most was opposite the Duke of Buccleuch's house; and the Duke told me himself, in the last two months the mud had not been so low for 10 years opposite to his wall as it is now.

774. Do you happen to know whether it has not increased three or four feet just by Whitehall Stairs?—Sometimes it is higher and sometimes lower there; but I think I could shorten the examination of the counsel, by saying that my proposed projection into the river Humber will have a tendency to cause the mud to silt up on both sides of it.

775. Which side the most, the eastern or the western?—I am not prepared exactly to say that, but on both sides.

776. In what direction on the western side do you expect the accumulation will be; directly at the back of the pier, or extend further?—I think the tendency will be from the back of the pier upwards.

777. How far do you calculate upon the probability of its extending?—I have made no calculation of it; it would tend to accumulate until the current of the old harbour prevents it.

778. *Committee.*]

778. *Committee.*] Do you know whether the Board of Ordnance sanctions this erection?—Yes, I believe I may say so; there has been no regular sanction given by the Board of Ordnance—

*J. Walker, Esq.*

16 June 1840.

Mr. *Hildyard* stated he was prepared to say that the Board of Ordnance did sanction this projection.

—I beg to say, I have had a good deal of communication with the officers of the Board of Ordnance upon this subject, and I never heard any objection made to this projection.

779. Do you touch the citadel ground at all?—Yes, we must touch it.

780. Whereabouts is that?—In that narrow communication between the dock and the river Hull.

781. There you touch it?—Yes.

782. For what purpose is it; for the canal only?—It is for the purpose of getting a width of road between the communication and the moat.

783. Between the shallower part of your dock and the citadel, there is a small space; how do you propose to occupy that?—There is the road behind, and the quay is in the front.

784. Are there any sheds?—I have not calculated upon any.

785. Or upon the part on the east side next to the citadel?—No.

786. Can you tell me the amount of cubic yards of excavation for your dock basin; shall you excavate at all for your basin?—Yes.

787. Just tell me the amount of cubic yards?—Will the learned counsel excuse me saying, if he is going into the detail, whether he would not take it from me in the form in which I have it?

788. By all means?—I understood you to ask me the number of cubic yards of excavation for the dock; my answer to that is 522,452 yards.

789. That is the dock of 14 acres?—Yes.

790. Now tell me what is the excavation for the basin?—For the basin and the communication to the dock, from the Humber to the dock, the quantity for the basin, 113,505 yards.

791. The cut?—For the communication and lock, 64,020 yards.

792. Now give me it from the dock to the river?—From the dock to the river is the basin.

793. To the river Hull?—I have given you that, 64,020 yards.

794. I thought you had only given me in the first instance the dock; then I asked for it from the Humber to the dock, including the basin?—No, you asked me for the basin.

795. Then I asked you for the communication between the basin and the dock?—Now I give you that, which is in fact the lock, 38,160 yards.

796. And the last one you gave was from the dock to the river Hull?—Yes, 64,020 yards.

797. What do you calculate that excavation at per cubic yard?—One shilling.

798. You say that it is to be chiefly masonry a good part of your work, and bricks; have you taken the whole of the excavation at 1 s.?—The whole of that part of the excavation.

799. What other part of it have you taken at any other price?—There is some for the entrance basin taken lower.

800. How much?—Sixpence.

801. Is the 1 s. for the dock only?—No, for all excavation done by the hand; that done at 6 d. is done by the dredging-machine, and carried out into the river.

802. All above that is 1 s.?—Yes.

803. You have stated that part of the dock is to be constructed of masonry; tell me how much per cubic yard you have estimated it at?—I have not taken it per cubic yard, but per lineal foot; the lineal foot is 16 l. 10 s. for the lower part, and 15 l. for the upper part.

804. That is including the stone?—Yes.

805. Now tell me how much a rod you calculate your brickwork?—Nine pounds per rod, the reduced rod of brickwork.

806. Now tell me; the foundation you say is to be piled?—Yes.

807. You build immediately upon them?—Yes; we ram some concrete between the piles, and then build upon them exactly as has been done at the Junction Dock.

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808. Shall

*J. Walker, Esq.*

16 June 1849.

808. Shall you have any occasion to make any coffer-dam?—Not for any of the purposes stated as regards the proposed dock; the coffer-dam will be wanted between the proposed works and the river Hull.

809. What will be the dimensions of it?—Do you mean in running feet in length?

810. Yes; and then tell me the number of square feet they contain?—Three hundred lineal feet; that is between the entrance basin and the lock adjoining the Humber.

811. When you build your piers for economy with wood, tell me how much a foot run you calculate at?—Ten guineas.

812. With respect to the disposition of the Humber to deposit in the basin?—Yes.

813. What provision have you made for scouring it?—The provision made for scouring it is by the discharge of water from the dock; that is the only way; but the effectual way of keeping the basin clear, is by dredging it.

814. That you contemplate?—I know of no better way; that would be for supporting the depth of the basin upwards, and not making it.

815. Your scour would be more in the centre of the basin than the sides?—Yes, the scour through the dock would be.

816. And to provide for keeping it at that depth, you propose to resort to dredging?—Yes, that is most effectual.

817. Is that done in the Humber Dock?—Yes.

818. Is that found effectual to keep that dock clear?—Yes, it is.

819. You have told me the cost of the excavation; where do you propose to take the earth?—The great mass of the earth will be taken to raise the quays round at the back of the quay walls.

820. Will you use the whole of it?—Yes, round the dock itself.

821. You have stated that 60,000*l.* was the price given to you for the land, and that that includes land for all the works and the timber pond; does it include any more?—It includes all the land to be purchased under the powers of the Act; but I am being examined as to what has been done by others.

822. You can tell me the acreage?—I can tell nothing of it.

823. Do you not know how many acres it is?—I can tell it by measuring.

824. Can you tell me how many acres are included in the 60,000*l.*?—I can make a calculation of it; I do not know.

825. I understand from Mr. Hildyard that it is 54 acres; do you know whether that includes the fore shore?—No, I do not know that; I should think not.

826. Your quantity includes the fore shore?—Yes; the quantity I have given you includes the fore shore, and not fore shore.

827. It includes 10 acres of the fore shore?—Yes.

828. I presume it includes all the rest and the canal communication?—Yes, it does; I do not think that the 54 acres include that.

829. How do you propose building the wharfs on the sides of the dock?—By contract.

830. In what manner are they to be constructed; in brickwork?—I think I have answered that question twice already.

831. I do not recollect it; excuse the infirmity of my memory; is it to be brickwork faced with stone?—Yes.

832. What is the size of the proposed timber pond?—The quantity I have referred to in my estimate is, I believe, eight acres.

833. Is that represented on this plan?—Yes, in dotted lines, but the quantity may be double that; I think it extremely desirable to have the power to make it double that.

834. Can you tell me what the cost of that lock will be communicating with the river Hull?—Yes; the basin and lock from the Humber together are 92,000*l.*

835. I am speaking of the Hull?—Thirteen thousand seven hundred and twenty-five pounds, exclusive of pumping during the execution of the work, and of two bridges, and of raising the road to the bridges; all those items would amount to about 17,500*l.* for the lock and bridges.

836. You gave me the cost of the basin and the communication with the dock together; can you conveniently separate those two for me?—Yes; the lock, including the bridge and coffer-dam and pumping water, very nearly 40,000*l.*

837. Now, just tell me whether the 15*l.* which you told me was the cost of the dock walls, does that include the pile foundation?—Yes.

838. You

*J. Walker, Esq.*

16 June 1840.

838. You told me you had made some borings ; just tell whereabouts they were ; was it on one occasion or more ?—Only on one occasion ; at the time I was about forming the estimate for the work.

839. Just tell me where you made them ?—I can hardly describe them ; but if the counsel will let me show him this plan——

840. Just mark them upon this plan [*handing a plan to the Witness*] ; were they taken under your superintendence ?—By my assistants.

841. Just tell me the general nature of them ?—The surface for four or five feet is clay, under a coating of vegetable matter, and then you come to silt.

842. At the bottom of the borings ?—Yes.

843. How low did they go down ?—All below the bottom of the proposed works.

844. Just tell me the number of feet ?—From ten to twelve yards.

845. Can you tell me the distance by the road from the railway station to the new basin ?—No.

846. Have you never thought of that ?—Yes, I have thought of it, but never measured it.

847. The communication is material for the railway, is it not ?—Yes.

848. Can you tell me ?—Yes ; you can have it measured in a moment.

849. What is the distance by the nearest road from the railway to the basin ?—I will measure it.

850. It was a point with the railway to get to the Humber Dock ?—Yes, that was a point with me.

851. You thought that an immediate access to the dock would be desirable ?—Yes.

852. From the Humber Dock, what would be the course you would take from your railway station to this other dock ?—The course would be, first travelling northward, along the road by the side of the Humber Dock ; then to cross the bridge between the Humber Dock and the Junction Dock ; then to cross the bridge which is over the river Hull.

853. Then to go along by the side of the Junction Dock and the old dock, and so to the North-bridge ?—No ; I suppose the general thoroughfare would be through the town.

854. To the North-bridge ?—Yes.

855. And then down Great Union-street, and so towards the dock ?—Yes.

856. Are there three bridges to cross ?—No ; two, I think.

857. The one between the Humber and the Junction Dock, another over the entrance to the old dock, and then another ?—Yes, there are three.

858. Are those bridges all drawbridges ?—Yes, draw or turning bridges.

859. Moveable bridges ?—Yes.

860. Have the kindness to tell me ; in executing these works, we are told that they are to be done by degrees ; which work do you propose commencing with ?—I was not aware of any thing about degrees.

861. It has been suggested so, and it is probable, is it not ?—No, I think not.

862. You do not mean to execute it altogether ?—Yes, I hope to do so.

863. What work should you begin with ?—The excavation of the dock, and then along with that forming the wooden piling for wharfing round the basin ; then the coffer-dam at the proposed dock, and then the dock and the coffer-dam ; if it be executed next the river Hull, all those works might be going on at the same time.

864. You say the coffer-dam next the Hull, if it is executed ; do you know whether it is the intention to execute it or not ?—I do not know that it is ; I hope it is.

865. You look upon that as a very material part of the work ?—I think the work is much more complete with it.

866. What is the advantage of that particular part of the communication ?—The communication would be advantageous for the passage of ships from the old dock to the new dock, and more particularly from the river Hull or present harbour into the new dock.

867. I believe your works would end upon the side of the river ?—Which river ?

868. The river Hull ?—Yes.

869. When the tide was out you could not cross into the old dock ?—No, surely not.

870. Whatever communication you kept up between the old dock and the new dock could only be at high-water ?—Yes.

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871. That

*J. Walker, Esq.*

16 June 1840.

871. That will be at the time that vessels were entering into the old dock?—Yes, just so; all operations at Hull, the passage of ships in or out of the dock between the river and the dock, must be near the time of high-water.

872. I am told, measuring round the road the distance would be a mile and a half from the railroad station to the centre of the basin of the great dock?—I find from measurement that the distance from the railway station to the nearest point of the dock is 2,000 yards, and that the distance to the middle of the entrance basin is about a mile and a half.

873. Is the citadel in a very good state of repair at present; is it kept up?—I am a civil engineer, not a military engineer.

874. Can you give me no civil account of it at all?—I am of opinion that the works are old, but all apparently in a good state of repair; but I was never in it to examine it minutely.

875. And it is chiefly used as a depôt for soldiers?—I am not the best authority for that.

876. There is a magazine there?—Yes, a magazine and the citadel; the magazine is very near the junction of the Humber and the Hull.

877. Was the year 1836 the first period you heard of this project of turning the river into a harbour?—As far as my recollection goes, it was in 1835 or 1836; I do not mean to say I may not have heard the report in conversation, but I do not recollect it; that is the first time it came before me at all professionally.

878. The plan you saw was not like this plan?—I saw no plan at all; I saw a very learned report written by a learned gentleman, but I saw no plan.

879. Is that the report of which you are speaking [*handing a pamphlet to the Witness*]?—This printed statement and the written report I hold in my hand begin the same, and I presume they are the same throughout; but I do not recollect seeing it in print before.

880. You have it in manuscript?—Yes.

881. Was it from the chairman of the Dock Company you received it?—Yes.

882. Having had your attention thus drawn to it in 1836, and my learned friend having asked you which is preferable of the two plans, have the goodness to tell me your objection to that plan of turning the river into a dock?—I hold in my hand the report I wrote at the time in reply to that report.

883. I have not the least objection to your stating it; have you any observation to make with respect to the plan suggested in 1836, for turning the river Hull into a dock?—

*Mr. Hildyard* inquired whether that was the plan that was proposed to be substituted for the plan of the promoters of the Bill.

*Mr. Serjeant Merewether* stated that he did not produce it for that purpose.

*Mr. Hildyard* objected to the plan of 1836 being inquired into before the Committee, unless *Mr. Serjeant Merewether* intended to set it up in opposition to the plan proposed by the promoters of the Bill; that if the plan was the same in its material features, he should not object to it.

The *Chairman* stated that *Mr. Walker* would probably apply the information he had obtained to the plan now proposed by the Petitioners.

*Mr. Serjeant Merewether* stated that the Committee were not to consider whether they would adopt the plan put forward by the Petitioners against the Bill, but whether it was expedient to lay out this large sum in the construction of docks to the east of Hull, when there was this more feasible plan.

A *Member of the Committee* stated that it was recited in the preamble that it was expedient to make a railway to the east, and it was material, therefore, for the Committee to consider whether a dock could be made more economically, and more usefully to the west.

*Mr. Serjeant Merewether* stated, he had very little wish upon the subject himself, but was willing to leave it in the hands of the Committee.

*Mr. Hildyard* was heard in reply.

*Mr. Serjeant Merewether* was directed to put such questions to *Mr. Walker* as would draw out his opinion upon the merits of the plan of converting the river into a dock.

884. *Mr.*

*J. Walker, Esq.*

16 June 1840.

884. Mr. Serjeant *Merewether*.] You say that in 1836 your attention was drawn to the plan of converting the Hull river into a dock?—Yes.

885. You say your attention was drawn to this plan in 1836, and you had the plan delivered to you the other day?—Yes.

886. What objection have you to that plan put into your hand the other day?—That question is so very general, it will almost require me to make a report or speech in reply to it. I am quite prepared to say now to the proposers of the plan for the river Hull, that there is now a plan put into my hands which is practicable; that the one of 1835 or 1836 was not practicable. I am quite ready to say also, that Mr. Rendel has done as much to this plan as it is possible to do to it; at the same time, there appear to me to be objections which operate against any plan of converting the old harbour into a dock, which I have never been able in any way to get over. I must, if you please, refer to the plan itself which is now before me; and I see that it is intended to widen the old harbour on the east side. That I may be able to give the Committee an opinion of the plan generally, which is now understood to be wished, I may be allowed to ask Mr. Serjeant Merewether if it be intended to purchase the property on the east side with the trade, and to cut off a portion to build the wall and to keep it as belonging to the proposed company, or whether it be intended after having made the improvements to return it to the present owners of the property.

Mr. Serjeant *Merewether*. Mr. Walker must not apply to me, I cannot give him the information.

Mr. *Hildyard* stated, it was impossible for Mr. Walker to give an opinion on the plan before him without being furnished with the information he required, which formed a very material part of the project; that without that information, Mr. Walker was asked to commit himself upon a matter upon which he was not prepared to give an opinion.

Mr. Serjeant *Merewether* was heard in answer to the observations of Mr. Hildyard.

Mr. Walker was directed to proceed with his answer upon the information he himself possessed.

—I understood the learned counsel to ask if I had any observations to make upon the plan, and I understood the Committee to ask me what my opinion was of the plan; and in order to be able to give the Committee my opinion, it was desirable to know what the plan was. I do not think I should ask any other question than that one; it lies so much at the threshold of the thing, I found I could not move one step without knowing it.

887. Just have the goodness to tell me the objection you have to this plan?—I find on referring to the plan before me, it is intended to cut off on the east side a part of the present property to widen the present harbour to make it the width of a dock; I only wished to know whether it was intended to purchase the whole of the property, and cut off that part, and afterwards retain that side of the dock and the quay behind it, or whether it was intended that the property should after that alteration was made, and after using a part of it, be returned to the proprietors.

888. Would it be convenient for you to state your objections to this plan as it appears upon the face of it; in your judgment, as an engineer, could an inclosure of this description, with a proper opening in it, be made at the mouth of the river Hull?—I think it could.

889. There is no more difficulty in erecting that than your own, lower down?—Yes, a great deal more difficulty.

890. Just say why?—The whole of the property is occupied.

891. I am asking you about the construction of this mode of penning up the river so as to convert it into a dock; is there any difficulty in constructing the entrance of those wharfs?—There is no difficulty that may not be overcome, but there is much greater difficulty in forming locks and works in the river Hull, than there is upon ground that is free from those difficulties to which a river is subject.

892. Will you explain those difficulties?—The works that are proposed, are to form a dock adjoining the river Humber, that is upon the fore shore of the river Humber, between high and low-water, almost down to low-water; there is much



*J. Walker, Esq.*

16 June 1840.

greater difficulty in forming a dam to surround a work of this kind ; because it must be so surrounded by a circular dam, the same as round the pier of a bridge, and the lock must be within it, and the river round it, and the navigation round it. Then there would be the forming the lock, which is partly above high-water, but not entirely free from the obstruction I speak of from water or shipping ; the same thing must apply to the junction and the making the dock walls, and the same thing would again apply to the formation of the lock at the upper end, between the proposed new channel for the river Hull and the proposed dock ; they must all be made in the river. I find also, that the depth of the river Hull at the sides is not at all sufficient at present for heavy ships to come alongside, and it therefore must be considerably deepened ; and it appears to me the only way that this great work could be done (for it is a great work), would be by excluding the water entirely from the harbour or proposed dock, and executing the whole of the works without doing them tide-work ; because allowing the tide to ebb and flow in the old harbour while the works are being executed, would be attended with enormous expense and very great difficulty ; on the one side there is a projection intended in front of the present quays. The honourable Members acquainted with Hull, know that the warehouses at present come very nearly 15 feet within the front of the jetties that are in front of the warehouses ; this plan contemplates leaving them, as far as I can understand it, in the state they now are ; it proposes on the opposite side widening the present harbour, by cutting off the ends of the present wharfs. There is then left a width of 100 feet only, including the street and what is called, upon that plan, the site for sheds ; that, I think, for a dock of the nature wanted here, is narrow, particularly for such trades as I have referred to. Then I find in order even to get that, that a considerable piece is cut from the moat round the citadel, and that the proposed road is brought quite close to the magazine. Now, I am not at all aware whether the Ordnance would agree to that or not ; I should think, from the little communication I have had with them, that they would not. I may be told that is not an engineering question ; then if I am not to consider that, I ought not to consider what may be an objection, but not an engineering objection to the plan. Taking 40 yards off the churchyard, and bringing the line of the new channel close to Drypool Church, that is not an engineering question ; nor is the bringing of the channel of the river also to the north end, so as to take a considerable part of the moat ; perhaps that is not an engineering question. It could be done, and nobody could do it better than Mr. Rendel ; he is perfectly competent to do it ; but it appeared to me there would be an objection on the part of the parish on the one side, and the Government on the other. Then if the quays be confined in the way I have stated, we have the property in the present harbour on the one side and a narrow quay on the other ; and until we get near to the low-water of the Humber, and below the present magazine, there does not appear to be on the one side or the other any thing that deserves the name of ample quay-room. Another objection appeared to me, both in 1836 and now, to be a very powerful objection, which is this, that this is not so much an addition to the accommodation of the port of Hull, which is very much wanted, as a substitution of one kind of accommodation for another, because every inch of the ground is at present most fully occupied ; and I have never been at Hull, but I have seen the whole harbour occupied, and occupied by a description of vessels very well suited to the river Hull, and the Hull suited to them ; but if this harbour is converted into a dock, to receive foreign vessels and large vessels, my opinion is that it will be very much less fit for the Humber keels that now navigate it. I do not know where they are to go, because if the dock, and it is a species of dock of 17 acres, if it be all inclosed, and the present harbour inclosed from a little way below the entrance to the old dock down to the Humber, the Committee will see that these small craft must all be locked out and locked in ; and I take it that the inconvenience the small craft would suffer would be very much greater than the convenience that they would be likely to have by entering the dock. But the locking can only take place at high-water or near it, and I consider the press of business would be such as to render it for that small species of vessels very inconvenient. Then the only alternative would be to convert the whole of the property on the front of the present harbour into warehouses for foreign ships, and for the description of ships that now use the docks, and to transfer the coasting trade and the river trade to the river Hull to the new channel. Now, I am not allowed to ask whether that is intended ; if it be not intended, I conceive that the plan of attempting to make this both a dock for the small craft and a dock for large ships would

would be found in practice extremely inconvenient to the owners of the property themselves, without adding any thing to the accommodation of the port of Hull, except what is added below the magazine, which would be an addition. Then I find that in order to show (which is quite a proper thing to be done) that there is the power of extending the improvement, an additional dock is shown in front of the river Hull, to the south of the citadel. Now, I take it, as an engineering question, that that would be an expensive dock, but it may be done by money; but if done, it appears to me, as regards the citadel, the citadel must be done away with, because the masts of the ships occupying the whole space between the river and the citadel would be entirely objectionable to the Board of Ordnance; so that, without knowing in some degree what is intended on those general points, I find it extremely difficult to put the Committee in possession of any general opinion I have of the plan. With regard to the possibility of executing it with money, I have no doubt of it. If the plan I think the cheapest and best, of shutting the harbour entirely up until the new works be finished, is adopted, then I apprehend that the owners of wharfs in front of the harbour would make a very strong objection to it; for all the trade in that case would be suspended during the operation; and I should think, without doing it in that way, an estimate for this work would be very difficult to come at correctly. Then the locks proposed here, if I may judge from the scale, are not proposed to admit steam-packets at all; there is no dock large enough for steam-boats, except at the Humber Dock or the proposed "additional dock when required;" those are the words. There is a very large basin, containing 18 acres, formed in front of the town, with a steam-boat pier and breakwater in front of it. I think that is liable to two objections: one is, making so large a space, which would require constant mud-ding, except at the centre of the proposed lock, which has the current of the tide through it; and in the second place, the steam-packets must lie there, as they would do in the basin I propose to construct for the new dock, which I was obliged to confess to Mr. Serjeant Merewether was objectionable. They must lie nearly or entirely aground, at whatever expense, at low-water; but steam-packets lying on a bottom so soft as this is, with various beds, one of one dimension coming out, and another of another dimension occupying their place, is very objectionable, now they are made with such fine bottoms and machinery so delicate. I had the construction of the Brunswick Wharf at Blackwall for steam-packets, much of the same size that go from London to Edinburgh, and that is made 14 feet at low-water, or from 12 to 14; and when I was actively employed about it, there were complaints made by the owners of the steam-packets whenever the vessels became waterborne,—that is, when they touched the ground. If this large basin is made for the large steam-packets, and it appears to me so, it would be extremely good but for the objections I have stated. It is liable to those objections; but I am free to confess, as far as regards communication with the railway for passengers and steam-packets, the basin is better situated than any part of the proposed dock on the east side; because I do not wish before this Committee to disguise my opinion, which has always been this, that the best place for a steam-packet dock would be farther west than even Mr. Rendel has shown upon his plan, that is in front of the Humber. I think Mr. Rendel's plan, as regards passengers, has conveniences that a basin on the east side of the citadel has not; but, altogether, I think it a very very expensive plan, and one attended with great difficulty, and which, unless the learned Serjeant will let me know how they are to be overcome by arrangement between the parties, will be attended in practice with extreme difficulty indeed. But I do think that Mr. Rendel, whose ability I am extremely well acquainted with, would never have proposed this work if he had not been called down and told by the parties to do the best he could in making the old harbour into a dock. He will be examined by-and-by. I give you my honour I have had no conversation with him; but that is a question I should like to have put to him. It was not referred to me by the Hull Dock Company till 1835 or 1836, when Mr. Rendel's reports were put into my hands; nor am I aware that the great engineers consulted by the Dock Company—Mr. Smeaton, who built the old dock, or Mr. Rennie, who built the Humber Dock, or Mr. Telford—ever proposed a dock in the old harbour.

893. *Committee.*] Be so good as to state whether the new channel of the river will be as convenient for the purposes of trade and the small craft as the present river?—I think it might be made so if warehouses were built adjoining it.

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*J. Walker, Esq.*

16 June 1840.

J. Walker, Esq.

16 June 1840.

894. Is there room for that?—Yes, there is a large space for ship-yards where warehouses might be built; on the opposite side of the plan you very soon get up to the moat round the citadel, and there there could not be warehouses; I may say also that the opponents have made an objection to warehouses being built by the Hull Dock Company upon this spot where I am now proposing to build them, if this plan is executed.

895. Would it not be desirable to cut this new channel first, and let the old harbour remain as it is till that is done; would not that obviate some of the difficulty?—It would obviate some of the difficulty, and it must be done; that is the only way in which the water of the Hull could be conducted into the Humber; but the next operation to that would be—I am criticising Mr. Rendel's plan; he will tell you how he intends to do it—but the next operation would be to exclude the water entirely from the present harbour; I am supposing that if this is to be made a dock, it will be a dock of sufficient depth for sea-borne vessels and foreign vessels, and the general trade which the other docks now at Hull are employed in.

896. Can you give any information how much increased accommodation this would give above what they have now; how much better would they be off than they are now?—As regards area, I suppose there might be gained about eight acres; as regards quay room, that would be confined to the lower part of the dock entirely; all this is quay room, occupied and fitted for the trade, and the trade to it.

897. I want to ask you a question as to the width of this proposed dock we have been speaking of; the width it is to have; do you consider it a sufficient width for the purposes of a dock?—No.

898. What is the width you have there?—The lower part is of ample width; the average width of the dock, for about two-thirds of its length, is 260 feet, according to the scale.

899. At its narrowest part it appears on the plan to be as wide as the old dock?—No, the average of that part is the same as the old dock.

900. Then this plan is wrong, because the old dock does not appear to be wider than the narrowest part of the new one?—The average of the narrow part of the new dock is of the same width as the old dock, the old dock being parallel.

901. You stated the Ordnance would have an objection to this dock being constructed on account of its being within the sweep of their guns?—Yes.

902. In this plan of your proposed dock, would not the projection be within the range of their guns?—Yes; if ships are crowded there, it would be; it would impede them only in that part of it.

903. It would not impede them unless ships were crowded in the basin?—No, and they are always desirous of getting from the basin into the dock.

904. Steamers, I suppose, would lie in the basin?—No, they do not like lying in the basin; at present they are obliged to do it, but the objection that was made applies *pro tanto* to my plan.

905. You could not give the Committee any idea of the expense of this proposed plan, however rough?—Not without examining my friend Mr. Rendel, and what he proposed as to depth and length.

906. Can you tell us the strength of the current in the old harbour?—The current is not considerable; about a mile or two miles an hour, except when the land floods come down, then it is considerable.

907. Is it sufficient to wash away any accumulation that may take place in consequence of this new work of yours?—Yes, I think it is; but if it is not, then I think the Hull Dock Company should be obliged, if the work is done, to take means for preventing the evil.

908. Supposing the old harbour was converted into a dock, would there be an accumulation of mud in consequence of the necessary projection in this case?—No, rather the reverse.

909. So that by the construction of a dock on the eastern side, according to your plan, an accumulation is produced; whereas by the other plan an accumulation is not produced?—Not in front of it, but above it and below it; to the east and west of our projections it would accumulate; in the front there will be depth.

910. Which would be most injurious, an accumulation to the east, or the accumulation caused by the conversion of the old harbour into a dock?—If Mr. Rendel's steam-boat basin be formed, then the accumulation would be more injurious by his plan than mine, because it would accumulate in that basin, and at a point which

which is opposite to the town, without having the aid of the river Hull to scour it. *J. Walker, Esq.*

16 June 1840.

911. You consider the accumulation of mud in the basin is more injurious than the accumulation of mud in the river?—Yes, I do.

912. Would not that accumulation of mud be in front of all the dock room that Hull at present possesses?—Yes; it would be absolutely necessary, in order to make the Humber Dock, or any of the docks remain useful, to keep the basin in some part of it down to such a level as would allow vessels to approach the basin of the Humber Dock.

913. If this projection was made as you propose, you say the velocity of the tide would be increased?—Yes, immediately in front of it.

914. Would not that have the effect of clearing away any mud in front of the old harbour?—Yes, that which is immediately in the line of it; but there is a very large space, two-thirds of the area of the steam-boat basin, that would be within the line of the wall.

915. I am speaking of your plan; I was asking you, you said that you thought the velocity of the tide would be increased by the projection of your own basin?—Yes.

916. I was asking you whether the velocity of the tide would not have the effect of removing some of the accumulations of mud you anticipate in front of the old harbour?—No, it would not; the effect of any increased velocity is lost the moment it passes the narrow part.

917. With reference to a ship's coming up, they come in nearly at the same time of the tide?—Yes.

918. What would be the effect of the nearness of these two mouths; will the ships interfere with each other?—I think Mr. Rendel's basin is so spacious that if it is kept at a good depth, the ships will not interfere with each other; the basin is upwards of 1,000 feet in length.

919. You mentioned that the old harbour is now used by small craft?—Yes, and masted vessels also.

920. You think it would be an injury to the town of Hull by converting the harbour into a dock, because the small vessels could no longer employ it?—Not so advantageously.

921. Supposing a new channel cut on the east, could they use that cut?—Yes.

922. For some time after the new channel was formed, might you expect as good a bottom for the small craft as the present harbour affords?—Yes, after you form it.

923. The accumulation of the mud brought down by the Hull would not be so considerable at first?—No, not if properly formed; as I have no doubt it would be under Mr. Rendel's direction.

924. There is no difficulty in making the entrance to the old harbour wide enough for the large class of steam-boats?—No; every thing done there is done under great difficulty, but there is no physical difficulty in doing it; I proposed making a dock in the centre of Aberdeen harbour; but it is a great expense in being obliged to dam all round it; a general idea of what I think upon the subject may be formed from this; it appears to me that the docks at present are chiefly used for bringing cargoes to Hull, that the old harbour is very much used for sending goods from Hull, loading them into small craft; I do not mean entirely, but very much; and that this would turn the old harbour into what I should call a dock for importing again; that would be the object of it; with regard to the security of the revenue, and bringing goods in there with so very many owners immediately upon the banks, that is a matter of revenue I do not understand.

925. I understood you to say that if the present harbour is made into a dock, it will create the necessity of making a new harbour as well as a dock?—Yes, I think so.

926. If you converted the old harbour into a dock, the warehouses now situated in the old harbour will still be of value?—Yes.

927. Of augmented value?—Yes.

928. If you construct a dock to the east, you diminish the value of the present warehouses?—That is doubtful; it is not an engineering question; but it is also doubtful, unless warehouses are built to a considerable extent round the proposed dock, the goods would be very conveniently unloaded into the warehouses round the present docks; unless warehouses be built upon the quays of the new docks, I do not think that that would be the effect of it.

*J. Walker, Esq.*  
16 June 1840.

929. There is no doubt warehouses will be built at the new docks?—I do not know; that is no part of the estimate.

930. There is no reason why the small vessels should not go into the new channel that now go into the harbour?—Yes; but the vessels go into the old harbour, and take in goods at the warehouses.

931. If the old harbour was converted into a dock, would the contiguity of the old harbour to the docks be an advantage to the town; you propose to construct a new dock at a distance from the other docks; the other dock proposed would be much nearer to the town; do you conceive the proximity of the new dock to the old dock would be an advantage to the town of Hull?—Yes, taken as an abstract question; the communication for ships would be as near by the plan of the dock on the east side of the citadel as it is by converting the harbour into a dock.

932. If you convert the old harbour into a dock, have you a dock nearer the centre of the trade?—Yes.

933. Is that an advantage?—Yes.

934. Is that counterbalanced by the value of the property already built upon?—I am answering the questions only in the abstract.

935. Are there not local circumstances that would make it extremely difficult to get the requisite accommodation?—Yes; and I do not think it would be a convenient dock after all, from the narrowness of the space behind it.

936. The part of the dock to the south would be wider than the present docks?—Yes.

937. You do not consider there are many facilities round the proposed harbour dock to construct timber ponds?—No; the way the timber must go, supposing it inconvenient to lie in the dock, must be to go out into the new river or into the Humber, and so round into the ponds, which must be constructed on what is called "site for ship-yards."

938. You think that it would be necessary to construct timber ponds on that site; yes, it is desirable and necessary; the proposed dock takes away a considerable portion of the present timber pond; but there is ground to form others as a substitute for it, upon the banks of the proposed new river.

939. Where it is marked "site for ship-yards?"—Yes.

940. But it is desirable to build sheds and warehouses for the small craft; do you think there is room to construct timber ponds, ship-yards and warehouses?—Yes; but it must be by carrying a new communication from the river Hull, and forming a communication behind the warehouses.

941. *Mr. Serjeant Merewether.*] Such a communication as you have got between your dock and the projected timber pond?—Yes.

942. *Committee.*] As long as that, or longer?—I should think that that would be long enough.

943. Have you any doubt that the construction of a dock to the west would be attended with more expense than one to the east?—I have no doubt of it; but without going into the details of the estimate, I cannot say; but what I stated before I state again, that this appears to me not to be what Hull requires; it is not so much accommodation for shipping, but the substitution of the river from one class of shipping for another class of shipping.

944. If the small craft were removed from the old harbour, would there be sufficient accommodation in the new channel?—I have stated the extent that it might be, and I have stated also that the citadel on the one side, and the buildings on the other, would confine the extent of the additional accommodation.

945. Into what dock do you suppose that ships importing timber would go, supposing timber ponds constructed at the spot you have pointed out?—I should think all the docks would be equally convenient.

946. Do you think that they would undergo considerable inconvenience in being stationed in a dock so far distant from the timber pond?—Yes; it would not be so convenient as the other proposed timber pond, which is upon the same level, without a lock intervening.

947. *Mr. Serjeant Merewether.*] In your opinion, would it not be better if a tidal river did not separate the docks from each other; if the river is converted into a dock, and a new cut is made at a distance, would it not be better if the docks were altogether, and the tidal river to the eastward?—All the docks communicating?

948. Yes.

948. Yes?—Yes.

949. And decidedly better?—Yes.

950. And the new cut on the outside?—Yes; but I have seen no plan for doing that yet.

951. I want to get an answer upon the notes; and that is your answer?—I have given an answer distinctly, that I think it would be an improvement; but I have also added that none of the plans I have seen contemplate such a measure.

952. Have the goodness to tell me whether the plan before you does not afford a better opportunity for doing that than the one you have suggested?—No, I cannot see that it is any part of the plan to do it.

953. Your plan leaves the river between your dock and the other docks?—My plan leaves the river, to be sure; but your proposed dock leaves the dock with the river between the proposed docks and it.

954. Would not that be obviated if the dock was carried up to the extent of the old dock?—By some other plan?

955. Yes?—Show me that plan.

956. Could not it be obviated by that being done?—Yes; a dock might be made through the centre of the town of Hull, which would connect the old dock with the proposed dock and the old harbour.

957. Do you think that is the only mode by which it can be done?—I do not see any other.

958. You said that Mr. Rennie or Mr. Smeaton never suggested a communication between the harbour and the docks?—I said I never knew that Mr. Rennie or Mr. Smeaton contemplated the conversion of the river into a dock.

959. Just look at that plan, and tell me whether that plan does not contemplate a junction of the kind I have stated; [*a plan was handed to the Witness*]; just tell me whether the date is not 1795?—Yes.

960. Just look at that plan; could not a communication be made from the river to the old dock without going through the town of Hull?—This plan supposes a narrow communication between the present harbour and the old dock with a pair of gates.

961. Does it go through the middle of the town?—It must take a good deal of property; but this is a communication only; I was referring to connecting the docks together.

962. If the river was turned into a dock, would not that connect the river with the dock?—Before you effect this plan, you must put a joint in the middle of every vessel that goes into it; because honourable Members will see, at this letter G., it is quite impossible for any vessel to enter into that lock; and to use the name of Smeaton or Rennie, and put this plan before me, is not a compliment to either of them.

963. Tell me whether, in point of fact, that does not make a communication between them?—Yes, which no ship could enter.

964. If there was that communication, all the docks would be connected?—Yes.

965. If that is done imperfectly, could Mr. Walker make the communication perfect?—Yes, by taking down property, and so could Mr. Rendel; whether you have proved it is possible to make a communication by producing that plan, I leave the Committee to judge for themselves.

966. You could make a communication?—Yes, no doubt of it.

967. And better than that?—No doubt of that either.

968. When you calculated the width of the dock, and said you gave the average width of the narrowest part of the dock, you had excluded all the southern part of the dock?—I so stated.

969. You stated, I think, that this basin for steamers would be much more convenient for the railroad; that is in a great degree owing to its contiguity?—Yes.

970. That is a recommendation of itself?—Yes.

971. You mentioned something with respect to a church; you said it is objectionable that the new cut should go near the church; just turn to the other side of the plan, and see if your new Junction Dock is not near the church?—Yes, it is near the church; but I do not take any of the churchyard.

*J. Walker, Esq.*

16 June 1840.

972. Did you propose to do it?—I think it was proposed at one time to take the church down altogether, and I think it would have been a good plan.

973. But, in point of fact, it was contemplated; that is where there is considerable traffic?—Yes, as far as my recollection goes; I may be wrong, but I do not think there is any burying-place round the church; I propose to touch only the vaults inside.

974. *Committee.*] Looking at that dock, you have had some experience of getting near churches by the dock?—Yes, I wanted to have squared it; and I think Mr. Rendel's plan may be carried into effect without taking so much of the churchyard as he does; but at present the line goes close up to the church, and, as far as my recollection goes, destroys a number of burying-places that are there.

975. That you think should be avoided?—Yes.

976. Just look at your own plan, and see if your plan does not take a part of the churchyard?—It takes a very very minute corner of it.

977. Do you take about the same corner that Mr. Rendel does?—I take about one-eighth of what Mr. Rendel does.

978. *Committee.*] Cannot you do without it?—Yes, we could, but not so well; both in regard to the Ordnance and with regard to this corner of the churchyard, we could do better with them than without them; but I have made the communication in such a way that we can do without either touching the moat or the churchyard; that you will see by looking at the plan.

979. Mr. Serjeant *Merewether.*] You stated that you thought this plan would be more expensive than yours?—Yes, I did say so; but I added, I had not made any detailed estimate.

980. You do not mean to found that upon any accurate calculations?—No.

981. It is only a general impression?—That is all.

982. Can you tell me which could be done the quickest in point of time?—I think my plan.

Re-examined by Mr. *Hildyard.*

983. With respect to your estimates, did you make the estimates for the Junction Dock?—Yes.

984. Do you remember how nearly the actual expense tallied with the estimates you made?—No, I do not.

985. Are you able to say whether they did or did not correspond?—I believe the correspondence was very accurate indeed; when I say I do not know, that must depend upon the Company's books; there is a gentleman upon your left hand who can tell you.

986. He says that they did; have these estimates been made with the same care, as far as you know, as those estimates?—Yes.

987. Have you every reason to believe they are correct?—Yes.

988. You were asked, with respect to keeping the accretion of mud out of the basin; have you made an estimate of the annual expense of the maintenance of this dock, all other annual expenses connected with it, the whole expenses entailed upon the Company, by keeping this dock in repair?—Yes; at the request of the chairman I considered the subject, and gave him an answer; in the report I stated that 3,000*l.* would be under the mark; in that I thought 3,500*l.* would be a low estimate, and 4,000*l.* not a high one.

989. That is the annual expense entailed upon the Company in keeping up this dock?—Yes; and I have no hesitation in saying, that I think they are all under estimated.

990. You think that it would exceed 4,000*l.*?—Yes; I would not do it for that if I was the contractor.

991. Assuming that it is desirable for the general trade of Hull that the existing dock should be materially relieved from the lumber trade, do you think that the dock proposed on the other side would afford, if carried into effect, those facilities to the lumber trade that they would withdraw from the existing docks?—I do not think that they would.

992. Is that founded upon the circumstances that there would not be sufficient room for timber-yards and timber ponds contiguous to the dock?—Yes, it is.

993. You



993. You say you take a small portion of the churchyard; you do not touch the church?—No.

*J. Walker, Esq.*

994. Do you take ground immediately contiguous to the churchyard, which will not be wanted for the purposes of this undertaking, and which you can give to the churchyard in lieu of the ground you take?—Yes.

16 June 1840.

995. Is that ground situated as near to and as conveniently for the purposes of burial as the ground you take?—Yes, very nearly so; it would alter a little the shape of the churchyard.

996. *Committee.*] You can do without the consecrated ground?—Yes, we could.

997. *Mr. Hildyard.*] Have you made provision for giving to the churchyard ground in lieu of that you take?—There is power of making provision; I believe that there is not one grave, at least so I believe, at this spot.

998. You were asked whether your own communication, which you proposed between the new dock and the old dock, would not cross the tidal harbour, and you were asked if it was not a great objection interrupting the communication at high tide; does not the very project, with respect to which you have been examined, show a much larger space of tidal river intervening between the dock constructed out of the old harbour and the old dock?—

*Mr. Serjeant Merewether* admitted that the fact was so.

999. Whether it might be possible or not to carry through that angle of the town of Hull, across Salt House-lane, a communication that would not touch the tidal harbour, this project does not profess to do it?—No.

1000. *Committee.*] I think you stated that the proposed harbour and dock on *Mr. Rendel's* plan would be an area of 17 acres?—Yes.

1001. And your dock 14?—Yes; the dock alone, and the basin four.

1002. You stated that in this proposed new channel of the river Hull, if it were necessary, that warehouses might be built upon what is marked as a site for ship-yards?—Yes, physically speaking; I speak as an engineer only.

1003. You stated, you were not aware that upon any part of the ground surrounding your dock it is the intention to build any warehouses?—I am not.

1004. Then if no warehouses were built, the small vessels going into it could not have the accommodation of warehouses which they could have if *Mr. Rendel's* plan was carried into effect, and warehouses built there?—No.

1005. On looking at *Mr. Rendel's* plan, and the site for ship-yards, do you think there is not room for warehouses as well as ship-yards; do you not think it unnecessarily large for warehouses?—No, I do not think it is large enough; I am rather violating the plan, by supposing that warehouses will be built upon it.

1006. But you have sufficient room in your plan to build warehouses if they are required?—Yes, plenty for all purposes.

1007. Is not what is desired to separate the lumber trade and the other trade, if possible, in Hull?—Yes; I may be allowed to say, in explanation of the answer I gave to a Member of the Committee, in stating 17 acres on the one side and 18 on the other, if the object is to show the additional accommodation given to Hull, the area of the present harbour ought to be deducted; the area of the harbour now occupied as harbour would afterwards become a dock, that is abstracted from the harbour and made into a dock.

1008. I see here, upon *Mr. Rendel's* plan, a part marked off, "additional dock when required;" could not that be converted into timber ponds?—If the ships be unloaded in any of the docks, the ships must go into the Humber in order to enter the pond, which the noble Lord suggests.

[The Witness withdrew.]

[Adjourned till To-morrow, at Twelve o'clock.]



*Mercurii, 17<sup>o</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

*William Cubitt, Esq.*, was called in ; and Examined by Mr. *Hildyard*, as follows :

*William Cubitt, Esq.*  
17 June 1840.

1009. YOU are a civil engineer, I believe, and a fellow of the Royal Society ?  
—Yes, I am.

1010. How long have you been engaged as a civil engineer ?—Practically and professionally, about 35 years.

1011. During that practice, have you had considerable experience in the construction of harbours and docks ?—I have had some experience in both harbours and docks during a great portion of that time.

1012. I believe you have been more than once employed by the Government with reference to harbours and docks ?—I have been frequently employed by the Treasury, the Admiralty and other Government boards upon subjects of that kind.

1013. Did you complete a set of docks at Cardiff ?—Yes, recently.

1014. Are you now engaged in the construction and improvement of the docks at Southampton ?—No, I am consulting engineer for those docks.

1015. Are you acquainted with the town of Hull ?—Yes, I am.

1016. Did you go down at the desire of the Dock Company to form an opinion and advise them as to the best site for constructing a dock ?—I did.

1017. When was it ?—I think about three years ago ; I am not precise as to the date ; I have no memorandum of it with me.

1018. Did you at that time carefully consider all the capabilities of that portion of the town where that dock would have to be constructed, and come to a decision upon the subject ?—I did.

1019. Did it ever occur to your mind that the old harbour was capable of being converted into a dock, and answering the purposes required by the trade of Hull under its present circumstances ?—I never had any thought of converting the old harbour into a dock.

1020. Did the site of the present docks attract your attention at that time ?—Yes, it did ; and I made plans for a dock on the site of the present proposed dock for the Company.

1021. Was that selection founded upon your own judgment, or in consequence of any communication with Mr. Walker, or in consequence of any representation from him or any other person ?—No ; I was told by the Company to plan docks to the east of the citadel in the best manner my judgment would allow me.

1022. Had you previously to that direction from the Dock Company made any report to the Dock Company, or any suggestion ?—I had.

1023. Did you suggest that the east side of the citadel was in your judgment best calculated for the construction of a new dock ?—I did.

1024. Were you directed then to consider the construction of a dock on that site without having left to you any judgment about any other site ?—As regards the plan for the east dock, I made those plans and estimates, and submitted them to the Company in consequence of the instructions to do it ; the very site of the present proposed docks in part ; the docks I proposed were rather larger than these by some five or six acres.

1025. Do I understand you to state, that the docks you proposed were larger than those that form the present project ?—Yes, the main dock contained 20 acres.

1026. *Committee.*] On the same site ?—Yes, precisely the same site.

1027. Mr. *Hildyard.*] Are you of your own knowledge acquainted with the character of the trade of Hull ?—Not very particularly ; I know the trade of Hull generally, and I have more of it from the time I have been up and down about these docks some two or three years ago.

1028. Were you aware that one great object was to make provision for what is called the lumber trade ?—I was, and with that view I planned my dock accordingly.

1029. Just

1029. Just state shortly what you consider to be the desiderata of a dock for such a purpose as that?—As large a dock and as deep water as can be obtained, or necessary for the purpose; it having as much quay room as water; for those purposes it is quite necessary. William Cubitt, Esq.  
17 June 1840.

1030. Do you consider that quay room to that extent is almost as essential as any other requisite in a dock of that sort for such a trade?—Quite so; for without quay room, dock room would be of very little use for such a purpose.

1031. Do you also consider it an advantage there should be room for raft-yards and timber-yards and timber ponds in the neighbourhood of the dock; is that desirable in selecting the site?—Yes, I do, as a matter of course; a large cargo of timber will cover some acres of ground.

1032. Were you in the room yesterday when Mr. Walker was examined?—I heard the whole of his examination yesterday.

1033. And, independent of that, you are thoroughly well acquainted with the project proposed by the Company, the whole detail of it?—I think I am generally acquainted with it.

1034. Do you think that the plan of the dock now submitted to this Committee, is a plan well calculated to answer the purposes for which it is proposed?—I think it is.

1035. When you were at Hull, did any other situation present itself to you as capable of affording the same, or any thing like the same, facilities for a lumber dock?—No, certainly not.

Mr. *Hildyard* proposed to ask the Witness a question with regard to the plan proposed by the Petitioners of turning the river Hull into a dock.

A Member of the Committee objected to any inquiry being gone into with respect to that plan.

Mr. *Hildyard* stated that the reason why he wished to put the question was, because he anticipated that the plan of Mr. Rendel would be put forward as a better project than that proposed by Mr. Walker; and it was his duty to show, by the evidence of the engineers, that the plan was open to objection.

Mr. *Hildyard* was directed to proceed with his examination.

1036. *Committee.*] You stated just now that you were desired to make a dock on the east side of the citadel?—Yes, I was.

1037. In looking for a spot for the timber pond, did you look at any other part of Hull, to see if you could find one equally good as that on the east side?—Yes, I did; and there is no part of Hull so good for the timber trade and the Baltic trade generally as the place proposed exclusively for those lines of business.

1038. Mr. *Hildyard.*] You have had put into your hand the counter project of the opponents of the Bill?—Yes, I have seen one; and if I am to be examined upon it, I beg to have one put before me now.

1039. One portion of that project is, I see, to divert the river Hull into the channel represented upon that plan?—Yes, it is so.

1040. Can you tell by that plan what will be the breadth of that diversion?—Yes; by measurement it is 180 feet as near as can be; it averages rather more, but that is the narrowest part of it.

1041. Mr. Serjeant *Merewether.*] Will you just show me where you measure it?—Yes.

[*The Witness pointed out the spot to Mr. Serjeant Merewether.*]

1042. Where the bridge is laid down?—Above and below where the bridge is to be placed; that is the narrowest part; it is wider near the river Hull.

1043. Mr. *Hildyard.*] You are aware that the river Hull forms the drainage to a very considerable district inland?—I am aware that it does.

1044. In order that this new channel should serve all the purposes of that drainage, is it necessary that this new cut should be sunk to a considerable depth?—It ought to be sunk as deep at least as the present river Hull.

1045. May I ask you whether that will not be a very expensive part of this undertaking, without expecting any thing like an estimate from you, the excavation and the purchasing the property upon it?—No doubt.

1046. A very expensive work?—Yes, it will.

1047. Do you consider that a channel in this position will answer the purposes

*William Cubitt, Esq.*

17 June 1840.

for the small craft that the present old harbour now answers?—No, certainly not; a new harbour made there for the purposes of the old harbour would not be so convenient as the old harbour, at least for many years to come.

1048. Is it not desirable for them that they should be as near the town as possible, as near the warehouses as they can be?—I think it is.

1049. On the side of this channel there would be no room for warehouses?—It appears not by the plan; it is bounded on one side by the citadel.

1050. Are you able to form any opinion whether that trade alone would make it worth while to construct warehouses like those that exist in the old harbour on the opposite side?—There is, in the first place, not so much room for warehouses; nor am I aware that the plan goes to taking land for warehouses.

1051. Now, I will draw your attention to the dock it is proposed to substitute; do you happen to know the west side of the haven, as it is called?—Yes, I have been there several times.

1052. Do not the warehouses come up to the water side on the west up to high-water mark?—Up to or very nearly up to it all along.

1053. There is no pier or any means of communication along the west side of the harbour, continuously I mean; I am not speaking of the approach through those staiths?—As the proposed dock is laid out, there is little or no room for either quays or warehouses at all.

1054. That is on the side nearest the town?—Yes; I should say none of a convenient kind, and very little of any kind.

1055. Do you think that those staiths that exist, assuming that wharfs or quays were constructed, are a convenient mode of approaching such a quay, supposing it to be constructed?—I do not know to which staiths you allude.

1056. Those lanes from the High-street?—There is no quay room except the gang road along there; there are no quays at all; it appears to me that almost all the present warehouses and buildings on the west side must be pulled down to make room for this dock.

1057. To make proper and convenient quay room?—Yes, to make good and sufficient quay room.

1058. Need I ask you whether that of itself would not involve enormous expense?—No doubt but it would; I deem the plan on the whole an expensive plan, very nicely laid out.

1059. With respect to the other side, does the other side afford any capability for extensive quayage and timber-yards and timber ponds, which you think ought to be attached to a dock calculated for the lumber trade?—Most assuredly not; there is very little quayage indeed, except a small portion nearest to the basin that has convenient access.

1060. Assuming that this plan were to be carried into effect, do you think it would practically attract the timber trade out of the existing docks into the harbour dock?—Certainly not, in my opinion.

1061. Therefore, if it be a grand desideratum to attract the lumber trade from the existing docks and so give relief to the general trade of the town, you believe that this harbour dock would not answer that purpose?—As far as any object of that kind is concerned, I do not think it would.

1062. Do you believe that the dock proposed by the Dock Company would attract that trade from the facilities it would afford to it?—I have not the slightest doubt of it.

1063. Without pretending to give an accurate opinion upon this plan, which no witness without more time to consider it can do, do you think this plan is an expensive plan from the general features of it?—I have no hesitation in saying that it is a very expensive plan in general terms.

*Cross-examined by Mr. Reynolds:*

1064. I think you stated you did not select this site of your own accord, but your attention was directed to it; am I right in that?—Yes, you are; I did not go about it until I was sent for.

1065. And directed to the site?—My directions were to go and plan the best dock for the timber trade on the east of the citadel.

1066. You were confined to that by your instructions?—Yes.

1067. You had previously been down to Hull upon a similar errand?—I had.

1068. Had

1068. Had you given in a plan for a dock on that occasion?—Yes, I had given a plan for a dock previously to that. *William Cubitt, Esq.*

1069. Had you been left alone on that occasion to select your own site?—Yes. 17 June 1840.

1070. Did you select the present site?—No.

1071. May I ask you why?—Because my attention was directed to the general object, to give additional dock room at Hull, and as I understood more particularly with regard to the large steam trade.

1072. Then I suppose I may conclude on that occasion you did not consider a dock to the eastward likely to accommodate the large steam trade?—I was quite aware that a dock to the east, if of sufficient size, would accommodate the steam trade as well as the other trade; but I planned a large steam dock to the west of the present Humber Dock entrance, and nearly, if not quite, adjoining to the railway station.

1073. You tell us you prepared a plan for a dock to the eastward by the direction of the Company; how many entrances did you make to that dock from the Humber?—Only one from the Humber; one entrance into the outer basin, and a steam lock and a common-sized lock out of the entrance basin into the main dock.

1074. May I ask you what are the advantages of having two entrances; because it strikes me (but I am ignorant of those matters) that a small vessel could get in where a large one could?—Yes.

1075. Would not the making two entrances be more expensive than one?—Yes, two would be more expensive than one.

1076. Now tell me your reason for making two?—My reason for making two is this; there would be some very large steam-vessels, a few and a great many vessels, from 200 to 500 tons; that is the general size of the foreign vessels within those limits; and to work gates of 65 feet wide, which I had planned for the steam entrance, would be more expensive in the working and maintenance, than the expense of making a small lock for the general trade; and I would add, that had I made it I should have built the small lock first, and made the preparations for, but not putting in the gates of the large one in the first instance.

1077. Did your plan contemplate a communication between the proposed dock and the old harbour?—I contemplated it eventually, but my plan did not.

1078. Are you of opinion that such a communication was desirable and necessary?—I can scarcely answer that question decidedly; I believe the dock would answer its purpose very well without it, but a communication would have some conveniences.

1079. If I understand you right, your object was to get the timber trade there only?—The timber trade, and the East country trade generally, and the steam trade and graving docks, and other works necessary.

1080. Do you know what the East country trade generally consists of?—Timber is a very large article of import, and hemp and iron, and all the bulky articles.

1081. *Mr. Hildyard.*] You mean by the East country trade, the trade to the East of Europe?—Yes.

1082. *Mr. Reynolds.*] Do you know in what part of the port the East country trade is carried on chiefly?—In the old harbour and the old dock principally.

1083. What effect upon the proprietors of the warehouses in the old harbour would the removal of that trade to your dock have upon their property?—I do not think it would be to their advantage, nor am I aware it would be much to their prejudice.

1084. But if there was a communication with your dock from the harbour, would that inconvenience be diminished?—Yes; but there would be always a communication with the dock.

1085. They must come out of the harbour to get into the Humber, which forms part of the sea, I believe?—Yes, it does.

1086. And exposed to risk before they could get into your dock?—Yes; but there would be no difficulty in getting to it, or if there was they might employ steam-tugs to take them round, which is a matter of every day's practice.

1087. Are you aware of the manner in which the small craft trade is carried on in the port of Hull?—I am aware of the general trade carried on by the Humber keels and the billy-boys; it is conducted by a vast number of small

*William Cubitt, Esq.*

17 June 1840.

craft, under the term of Humber keels, as well as small coasting vessels; and they frequent this old harbour, and they have access at all times of the tide after the tide has flowed about three feet, for they draw very little water; and from that time to three feet of low-water again they have access at all times.

1088. To the wharfs?—No, to the river.

1089. They have not access to the wharfs till high-water?—No; but the river is generally full of those vessels, and they could not do their business so well in the old harbour if it was made into a floating dock by any means; and if you put them into the new outlet of the Hull, that would not be so convenient, because the conveniences for their business do not exist, nor will the access to that be so good as to the present old harbour; all those things existing, I should never have chosen the old harbour for a new dock at all; those are my reasons, and many others, which might be adduced, if necessary.

1090. You tell us, upon this plan, which my learned friend has examined you upon, there is little room for quays or warehouses; are you not aware that warehouses already exist for a considerable distance along that side; you said they must be pulled down?—Yes, to make good quay room.

1091. They are there already?—Yes; but following up what must occur, I doubt whether they would exist there long when you begin to make the dock.

1092. Are you acquainted with the St. Katherine Docks?—Yes, I know them.

1093. Can you tell me how the warehouses lie there with respect to the quays?—They stand close upon the quays; but if they stood there before the dock was made, they must have been taken down.

1094. But do they not stand close to the quays?—Most of them do, I believe.

1095. How is the quay room obtained in the St. Katherine Docks?—The modes of doing business in the St. Katherine Docks and at Hull are very different; in London it is necessary to do as much business as possible by warehousing, whereas Hull is a port of transit.

1096. I wanted to know how the quay room is obtained at St. Katherine's?—In the St. Katherine Docks they want warehouses instead of quays.

1097. They have quays?—Very little, if any; the nature of the business renders it unnecessary; you do not find the timber trade in the St. Katherine Docks.

1098. I have never been there; I understand the lower story is open to the dock?—Yes, but it is all covered by the warehouse-roof; the front wall of the warehouse is perpendicular over the dock quay, but the lower story is supported by brestsummers upon pillars, with a small recess to work the cranes, but not to stow the goods.

1099. Is not that the case in many places at Hull?—It may be.

1100. Would there be any difficulty in making that continuous?—No, not if you pay for it.

1101. It is a matter of pounds, shillings and pence?—Yes; but with all the pounds, shillings and pence, you cannot get the quay room that the East dock is calculated for.

1102. May I ask you one question more; you have spoken about the desirableness of attracting the lumber trade from the present dock, in which the business is carried on, to the new site; is that the result of your own observation upon the state of the trade of Hull, or the result of instructions from other parties?—It was the result of both; my instructions were to plan a dock to the east suitable for those purposes; and my knowledge of the place, after going there repeatedly, convinced me that such a thing was necessary.

1103. Your instructions were to do it; you received, first of all, information from parties that it was necessary, and your own observations confirmed those instructions?—Yes; I was instructed to go and plan and estimate for docks to the east of the citadel, for the relief of the other docks and the East country trade.

1104. Supposing an equal extent of accommodation can be found for the timber trade, upon the plan now before you, which plan for the general purposes of the town would you think the preferable one; this or the one that takes the dock further from the town; I am not speaking with respect to the expense, but the situation; supposing the objection you make, that it does not afford such extensive accommodation, were removed, which would be the best plan for the accommodation of the trade of the town?—If good room can be had still nearer the town, an equal quay room, and equal room for timber ponds and steam accommodation

ation and every other desideratum, I should say take it by all means ; but those are impossibilities.

*William Cubitt, Esq.*

17 June 1840.

Re-examined by Mr. *Hildyard*.

1105. Perhaps, if all those desiderata could be obtained, you would take it a little more to the west still, as being a better situation, nearer the railway and docks?—If we could sweep away the citadel altogether, it would be better for Hull.

1106. The old harbour is not the best site?—No ; it is not at all calculated for business.

1107. These were warehouses constructed after the docks were built ; if you were to remove the ground underneath, they would all tumble down?—If it was necessary, we could underpin all the warehouses, but it would be attended with enormous expense.

1108. Though you were directed to plan a dock on the east side of the citadel, do I understand you to state you have turned your attention to other sites?—Yes ; and it was the only site adapted for these purposes.

1109. And having reference to the purposes for which the dock was wanted, would you have selected this if the locality was left to your choice?—Yes, I should.

1110. *Committee.*] What is the distance of your proposed site from the old harbour?—Exactly the same distance as Mr. Walker's plan ; at one end it comes very close to it ; the nearest point is 200 yards, the communication with the old harbour.

1111. Mr. *Hildyard*.] I understood you to state, you proposed one entrance from the Humber into the basin, and two out of the lock into the basin?—Yes.

1112. You projected that with reference to the cost of maintenance?—I said my recommendation would have been to have made the small dock first.

1113. And you had reference to the cost of maintenance?—Yes ; that that dock could be made cheaper than the other could be maintained and worked.

1114. That is a matter that concerns the Company more than the public?—Yes.

1115. *Committee.*] You say you were informed that the two trades in the port of Hull that required accommodation, were, first the lumber trade, and next, the trade of steam-boats?—Yes, additional accommodation.

1116. And I think we may infer from your evidence, that you consider that this dock, to the east of the citadel, would be far more convenient for the lumber trade than this dock upon the second plan?—Yes ; such is my evidence, and such is my decided opinion, that though very possible to convert the old harbour into a dock by this plan, which is a very ingenious one, it would be very expensive, and not so convenient.

1117. You think it the solution of a difficult problem, rather than a good dock?—Yes ; and you could produce a more inconvenient harbour for the small craft that now exists.

1118. Which do you think of the two plans affords the most accommodation to large steam-boats?—There is no floating accommodation for the large steam-boats in the opposition-plan, as I term it.

1119. It is nearer the railway terminus?—Yes ; but very inconvenient, in permitting them to ground ; the other plan admits the large foreign steamers into the docks, and the plan for making the old harbour into a dock does not contemplate the floating of large steamers at all ; but there is accommodation made for large steamers in the river.

1120. Close to the railway?—No, not close to it, but nearer than the eastern dock.

1121. You consider that the advantage of having steamers to float in the dock would far more than counterbalance the advantage of being nearer the railway?—Yes ; I am of opinion that if the east dock is made to-morrow, it would answer the purpose, and the parties would do it to open a steam passage, by widening the Humber Dock entrance to admit the large steamers, and then every advantage that the town of Hull could afford, in the way of accommodation for steamers, could be had ; that is a small job, and would cost little money.

1122. That is marked on one plan?—Yes ; the competing plan has marked one entrance, as if anticipating the answer I am giving.

*William Cubitt, Esq.*

17 June 1840.

1123. And that would have the effect of separating the lumber trade from the other trade of the port, which is desirable?—Yes, it is highly desirable; it is desirable not to interfere with the old harbour for the small craft; the present place is the best for them; it is desirable to have large ponds for the timber trade, and it is also desirable to have access to the railway terminus for the large steamers.

1124. You consider that the plan of the Dock Company would be more complete if they had an entrance to the Humber Dock?—If they make the east dock they will be driven to widen the entrance into the Humber Dock, which would make their system very complete.

1125. You spoke of the expense of the steam lock; what does that arise from?—From its great size and the expense of the gates, in the first instance; I can state that in my estimate for the eastern dock, I estimated low; my estimate for the steam lock into the east dock was 40,297 *l.*

1126. Is that the expense of constructing?—Yes.

1127. What is the other?—The small lock is 17,000 *l.* odd hundreds for the general trade.

1128. You spoke of the expense of working it; what is the cause of that?—The gates are so very large and heavy, each gate would weigh 100 tons, and four of them, it would take a great many men at the capstan, and take a great time.

1129. Do you know the width of the present river?—I do not happen to know it, but it is very irregular; it varies from 100 to 200 feet.

1130. *Mr. Reynolds.*] You see it upon this plan before you?—I see the dotted lines on this plan now; I am much obliged to you; this is 150 feet.

1131. Is that the widest part?—No, nor the narrowest; it is somewhere between the two; it is between 150 and 200 in the extremes, I believe.

[The Witness withdrew.]

*Mr. Francis Tadman* was called in; and Examined by *Mr. Cankrien*, as follows;

*Mr. Francis Tadman.*

1132. WHAT is your business?—Surveyor to the corporation of Hull.

1133. Have you been long in that employment?—About 11 years.

1134. Before that time were you engaged in the same business?—Yes; by the Myton Commissioners for three years.

1135. They had the superintendence of a district near Hull?—Yes.

1136. Have you had great experience in ascertaining the value of property in the neighbourhood of Hull?—Yes, I have had a great deal of experience near Hull.

1137. Do you know the site of the proposed dock near Hull?—Yes.

1138. Were you employed by the Dock Company to ascertain the value of it?—Yes.

1139. According to the plan deposited with the clerk of the peace?—Yes.

1140. What was your estimate of the land for the dock?—The docks without the compensation?

1141. Take them both together?—Seventy-three thousand and twenty-seven pounds fourteen shillings and twopence.

1142. That is for the whole land?—Yes.

1143. Is that the cost of the land merely, or does it include the probable compensation that would be required?—Yes, for any buildings upon it.

1144. How much of that which will be the cost do you apportion to the value of the land upon which the dock is to be made, and the timber ponds; have you made your estimate in that way?—For the dock, 14,782 *l.* 17 *s.* 8 *d.*

1145. *Mr. Reynolds.*] Is that for the dock alone?—Yes; I beg pardon; it is 51,723 *l.* 10 *s.* 2 *d.*

1146. *Committee.*] What is that for?—For the dock and basin, and then I added the lock and communications.

1147. *Mr. Reynolds.*] It includes the communication?—No, it does not.

1148. *Mr. Cankrien.*] The cost of the land for the communication with the old harbour is estimated at what?—Twenty-one thousand three hundred and four pounds four shillings.

1149. And the other sum of 51,000 *l.* is the cost of the whole of the rest of the land?—Yes, it is.

Cross-examined

Cross-examined by Mr. Reynolds.

Mr. Francis Tadman.

17 June 1840.

1150. You have not told my learned friend the quantity; what is the quantity of land you take for the proposed dock and basin and timber pond?—I have not that with me at present; I have it in small parcels.

1151. We want that very particularly; we want to know the quantity; it may be for an enormous quantity?—It is for the land for the docks.

1152. Does it include the fore shore in front of the proposed timber pond?—Yes.

1153. You understand me, that which is now covered with water; can you see from here [*exhibiting a Plan to the Witness*]?—No, I cannot.

[*The Plan was handed to the Witness.*]

1154. Does it include the fore shore?—Yes.

1155. Can you tell us about how much the land amounts to altogether nearly?—No, I cannot; I have every person's land at separate prices.

1156. You cannot say the quantity it approximates to or the prices?—The prices I have told you; but I had no idea that it would be required of me to bring every person's small patch of land.

1157. This communication passes through Mr. Harrison's timber pond?—Yes.

1158. What value do you place upon that?—Is it right I should state that it might prejudice parties if I was to specify the sum—

Mr. Cankrien objected to evidence being obtained from the Witness, as to the value he had put upon different parts of the land.

Mr. Reynolds stated that it was most important for the case of the Petitioners to obtain that information.

—If it would afford any information, I could say it would be from 1,500*l.* an acre to 9,000*l.* an acre.

Mr. Hildyard was heard in opposition to the question being put, and stated that Committees had over and over again decided that they would not let the question be put.

Mr. Serjeant Merewether stated that the usual course was as stated by Mr. Hildyard, but the object of Committees was to give the parties as much information as they could without infringing upon the general rule; that in the Brighton case and the Manchester case seven miles and three miles were given; that he first wished to ascertain the precise quantity of land, and suggested that the Committee might then divide it into three portions.

Mr. Austin stated that the Company had already contracted for 54 acres, and there were 10 acres not yet contracted for.

Mr. Serjeant Merewether inquired of Mr. Austin where the 10 acres were.

Mr. Austin stated, he had no objection to state the price they had contracted to pay for the 54 acres of ground.

Mr. Serjeant Merewether inquired whether the 54 acres were contracted for with one person.

Mr. Austin stated he did not know.

[*A paper was handed to Mr. Serjeant Merewether.*]

Mr. Austin stated that they would put down on paper what had been contracted for, and in the mean time they might go on to some other part of the case.

1159. Mr. Reynolds.] Do you know Mr. Gibson, of Hull, a ship-builder?—Which of them?

1160. Edward Gibson?—Yes.

1161. You were formerly employed by him to make an estimate of the costs of something we heard about yesterday, of converting the harbour into a dock?—A son of mine, George Tadman.

1162. Is not your name Francis?—Yes.

1163. It was your son who was employed?—Yes.

1164. Not yourself?—No.

[*The Witness withdrew.*]



17 June 1840.

Mr. *Austin* stated that the result of the figures was that the contract sum was 36,940 *l.* for the 54 acres; then the residue was 21,304 *l.*; that would make 58,244 *l.*, which Mr. Walker had called 60,000 *l.*; then there was the sum of 14,780 *l.*, which would make the whole sum about 73,000 *l.*, and that the 14,000 *l.* was for land contiguous, but which it was not proposed to purchase.

The *Chairman* inquired why that need be taken into the account.

Mr. *Austin* stated that it was a mistake of the Witness; that it was at one time contemplated to purchase it, and he was desired to give in an estimate for that property.

Mr. *Austin* called the attention of the Committee to the 53d section of the 14th of Geo. III., which directs the mode in which the accounts were to be made out, and read the same. That in compliance with that clause accounts had been made out in the manner prescribed and printed, containing an account of the dividends, receipts and every thing else, and proposed to put in the annual accounts for the years 1836, 1837, 1838, 1839 and 1840.

Mr. Serjeant *Merewether* inquired whether the accounts for other years would be produced.

Mr. *Austin* stated that they would be produced when Mr. Serjeant *Merewether* called for them.

Mr. *Edw. Coleman.* Mr. *Edward Coleman* was called in; and Examined by Mr. *Austin*, as follows:

1165. ARE you the clerk of the Company?—No, I am superintendent of the docks.

1166. *Committee.*] Employed by the Company?—Yes.

1167. Mr. *Austin.*] Do you produce the printed accounts of the Company for the last five years?—Yes, I do.

[*The Witness produced the same, and handed them in.*]

1168. Have you yourself compared those accounts with the Company's books?—Yes, I have.

1169. And examined them with their books?—Yes.

1170. Are they correct?—They are.

1171. Have you made an extract of the receipts and disbursements in each year for the last five years?—I have not made it; I have examined it.

1172. Is it correct?—Yes, it is.

1173. Do you produce it?—Here it is.

[*The Witness produced the same.*]

1174. What is the average of the receipts and disbursements of each of those years?—The receipts for 1835 are 35,787 *l.* 13 *s.* 4 *d.*

1175. The disbursements?—Thirteen thousand five hundred and ninety-one pounds five shillings and threepence.

1176. The next year?—One thousand eight hundred and thirty-six, 40,392 *l.* 3 *s.* 3 *d.* receipts, and disbursements 17,633 *l.* 9 *s.* 3 *d.*; 1837, receipts 41,042 *l.* 2 *s.* 11 *d.*, disbursements 16,106 *l.* 2 *s.* 7 *d.*; 1838, receipts 43,583 *l.* 0 *s.* 5 *d.*, disbursements 16,791 *l.* 2 *s.* 4 *d.*; 1839, receipts 54,939 *l.* 18 *s.* 7 *d.*, and disbursements 19,664 *l.* 17 *s.* 6 *d.*

1177. Mr. Serjeant *Merewether.*] When are the accounts made up to?—The 31st of December.

1178. Mr. *Austin.*] Have you calculated the amount of the Company's net receipts during the five years we have been speaking of?—Yes.

1179. Is that in the balance of their receipts and ordinary disbursements?—Yes.

1180. Are you prepared to state the amount?—The receipts in the five years is 131,985 *l.* 1 *s.* 7 *d.*; the average of the five years is 26,391 *l.* 12 *s.* 4 *d.*

1181. Is that the surplus, after deducting the disbursements?—Yes.

1182. *Committee.*] Does that include what you receive in lieu of double dues?—Mr. *Austin.*] It is every thing we receive.

1183. Inform the Committee what is the amount of the debt now owing by the Company in respect of money borrowed at the time for making the Junction Dock?

—The amount of debt on the 31st of December last year was 53,353 *l.* 15 *s.* 4 *d.*

1184. *Committee.*]

Mr. Edw. Coleman.

17 June 1840.

1184. *Committee.*] You paid off 19,000 *l.* in one year?—Yes, 19,750 *l.*
1185. Mr. *Austin.*] What year was that?—One thousand eight hundred and thirty-nine.
1186. Does that appear in the account?—Yes, it does; it is 19,750 *l.*
1187. Was that paid out of the surplus of that particular year?—No.
1188. How was it paid?—It was paid out of the whole amount of money in hand; the balance brought forward last year was 23,000 *l.*
1189. It was the accumulation of balances?—Yes.
1190. *Committee.*] What did you pay off in the year preceding?—Seven thousand two hundred and fifty pounds.
1191. Mr. Serjeant *Mercwether.*] That is 1838?—Yes.
1192. Mr. *Austin.*] What the year before that?—Fifteen thousand four hundred and twenty-four pounds four shillings and ninepence.
1193. Mr. Serjeant *Mercwether.*] That is 1837?—Yes.
1194. Mr. *Austin.*] Do you know how much was borrowed of the Exchequer Bill Loan Commissioners for making the Junction Dock?—No, I do not.
1195. Will Mr. Buckton be able to speak to that?—I am not prepared to answer that.
1196. Do you know that by the terms of the loan, the Company is bound to pay off 5 *l.* per cent. annually of the debt?—Yes, I have understood so.

[A paper was handed to the Witness.]

1197. Is that an account of the annual dividends paid to the shareholders from the year 1800?—Yes, it is.
1198. What is the average amount?—Fifty pounds eight shillings and eightpence per share; there is a deduction to be made for the property tax from that.
1199. *Committee.*] What are the shares?—Five hundred pounds.

[The Witness delivered in the following Paper.]

" ACCOUNT of DIVIDENDS paid to the Hull Dock Company, from the  
Years 1800 to 1839 inclusive.

	£.	s.	d.			£.	s.	d.		
1800	-	-	99 15 4	per share.		1822	-	-	70 - -	per share.
1	-	-	107 15 1	"		3	-	-	70 - -	"
2	-	-	110 11 6	"		4	-	-	70 - -	"
3	-	-	110 7 8	"		5	-	-	70 - -	"
4	-	-	98 4 6	"		6	-	-	55 - -	"
5	-	-	72 15 10	"		7	-	-	45 - -	"
6	-	-	49 9 1	"		8	-	-	35 - -	"
7	-	-	- - -	"		9	-	-	35 - -	"
8	-	-	- - -	"		1830	-	-	35 - -	"
9	-	-	- - -	"		1	-	-	35 - -	"
1810	-	-	57 5 2	"		2	-	-	30 - -	"
1	-	-	49 16 1	"		3	-	-	35 - -	"
2	-	-	- - -	"		4	-	-	40 - -	"
3	-	-	- - -	"		5	-	-	60 - -	"
4	-	-	- - -	"		6	-	-	60 - -	"
5	-	-	- - -	"		7	-	-	60 - -	"
6	-	-	50 11 11	"		8	-	-	60 - -	"
7	-	-	54 11 5	"		9	-	-	60 - -	"
8	-	-	68 8 11	"						
9	-	-	80 - -	"						
1820	-	-	43 18 4	"						
1	-	-	38 16 -	"						

40)2,017 6 10

£.50 8 8

" Average Dividend per share, for last 40 years - - £. 50. 8. 8.

1200. Mr. *Austin.*] Is that the number and price of the shares that have been sold and transferred since 1807 [*handing a paper to the Witness*]?—Yes, it is.
1201. What average price did those shares fetch from the years 1807 down to 1839?—Eleven hundred and sixty-four pounds ten shillings and threepence.
1202. Upon that 1,164 *l.* 10s. 3d., the annual dividend has been 50 *l.* 8s. 8d.?—Yes.
1203. Can you inform the Committee at what rate per cent. that is?—Rather better than five per cent.

1204. No, it is not?—I have not made that calculation; it is rather better than four.

1205. *Committee.*] You paid a dividend of 60*l.* per share in one year?—Yes.

*[The Witness delivered in the following Paper.]*

**"NUMBER and PRICE of the original One hundred and Twenty Shares, which have been transferred on Sale to new Proprietors since 1806, when the Sixty new Shares were created and sold.**

No. of Share.	Year transferred.	Price.	No. of Share.	Year transferred.	Price.
3	1807	£. 1,000	68	1814	£. 1,200
"	1825	1,450	"	1833	1,050
5	1823	1,150	"	1836	1,220
7	1809	1,000	70	1832	1,050
8	1823	1,150	71	1823	1,050
"	1825	1,350	72	1824	1,000
"	1825	1,450	"	1827	1,400
9	1825	1,400	73	1809	1,025
10	1807	1,000	74	1837	1,150
22	1813	1,200	75	1814	1,200
24	1815	1,100	"	1826	1,400
25	1827	1,260	79	1813	1,300
26	1822	1,030	85	1817	1,340
27	1814	1,200	86	1816	1,150
"	1824	1,390	"	1833	1,100
29	1819	1,250	89	1813	1,200
"	1821	1,225	90	1810	1,100
30	1819	1,100	"	1813	1,200
"	1826	1,370	"	1817	1,400
31	1808	1,200	"	1838	1,050
"	1834	1,070	91	1815	1,050
33	1807	1,210	92	1816	1,100
36	1824	1,075	"	1837	950
40	1833	1,030	"	-	1,070
41	1820	1,200	98	1830	1,000
"	1834	1,051	94	1820	1,200
43	1815	1,100	"	1824	1,400
"	1836	1,240	97	1825	1,400
44	1815	1,050	99	1823	1,100
45	1837	1,075	"	1825	1,450
47	1813	1,300	"	1837	1,090
"	1832	1,080	100	1835	1,150
49	1820	1,200	101	1829	945
50	1820	1,200	103	1816	1,100
53	1824	1,300	"	1832	1,080
54	1832	1,050	104	1812	1,200
55	1820	1,200	"	1833	1,050
"	-	1,200	106	1816	1,080
56	1808	1,100	108	1810	1,125
"	1824	1,345	110	1808	1,000
"	1829	1,030	"	1810	1,100
"	1831	1,050	"	1813	1,200
57	1816	1,000	113	1826	1,400
"	1817	1,310	114	1837	1,050
58	1832	1,060	115	1814	1,200
59	1818	1,325	"	1816	1,110
"	1828	1,000	"	1831	1,050
60	1837	1,060	116	1817	1,395
61	1816	1,100	119	1812	960
62	1833	1,070	"	1820	1,200
63	1824	1,400			
64	1811	1,200			
67	1814	1,200			

103 Sales - - £. 119,946

**"Averaging - - - - £.1,164. 10. 5<sup>3</sup>. per share."**

1206. Do you know what the last 60 shares, created by the second Act, sold for?—I cannot speak to a certainty; it was rather above 1,350*l.* a share.

**Cross-examined**

Cross-examined by Mr. Serjeant *Merewether*.

Mr. Edw. Coleman.

17 June 1840.

1207. I see the first mark upon this first paper is the number of the share ; is that the number that belongs to each share ?—Yes.

1208. The number under which it goes ?—Yes.

1209. One hundred and nineteen is the highest number of those that are sold ?—Yes, I believe it is.

1210. The total number 120 ?—Yes.

1211. Have you had access to the books ?—Yes.

1212. You have five accounts you have given in ; just have the goodness to look those over and see if those are also the printed accounts of the Dock Company ? [*handing some papers to the Witness.*]

Mr. *Austin* stated that he would admit them to be so.

1213. Mr. Serjeant *Merewether*.] You find from the books that these are not printed till 1786 ?—Yes ; that is the first year I have any printed record.

1214. Can you give me by reference to the books, the dividends and calls upon the different shares before that time ?—No.

1215. Just look at that paper [*handing one to the Witness*], and tell me whether that is an account of the shares before this time ?—I never saw a paper similar to this.

1216. Can you ascertain for me, from the books, whether that is accurate or not ?—I do not think I can.

1217. Have you any of the books here ?—No.

1218. Have you got any extracts from the books by which you can tell whether that is accurate or not ?—I have got no accounts here prior to 1786 ; yes, I have got a few original documents, which can be produced.

1219. I will supply you with a document which you can compare with those books you have ?—This is 1773 ; I have no documents of that year.

1220. Have you some other documents ?—Yes.

1221. What is the date of them ?—One thousand seven hundred and seventy-five.

1222. Have you got them consecutively from 1775 up to 1786 ?—Yes, I can easily get at them.

1223. Have you them in London ?—Yes—

Mr. Serjeant *Merewether* applied to the Committee to order a comparison of the paper put into the hands of the Witness with documents which the Witness stated he had in London, from 1775 to 1786 ; that it had been already proved by the Witness that the Company had not printed, as they ought to have done under the clause of the Act referred to, the annual accounts of the Company till 1786 ; that the Witness stated he had in London, documents commencing from 1775 and extending to 1786 ; that he had a right to call for the production of the books of the Company, which would be a tedious and expensive process ; and therefore, as the Witness had stated he had documents in London that would give the information, he called for those documents.

—I do not say that the information you seek can be supplied from those documents ; I have documents in London, the annual report of the chairman of the Dock Company to the Company, from the year 1775, made out in a similar way to this, only they are in manuscript, and signed by the chairman.

Mr. Serjeant *Merewether*, in continuation, applied to the Committee to order the Witness to supply the information contained in the papers the Witness stated he had in his possession, in order to verify the accuracy of the paper which had been put into the hands of the Witness, a copy of which should be supplied to the Witness for that purpose.

The *Chairman* desired Mr. Serjeant *Merewether* to put into writing the application he intended to make to the Committee.

Mr. Serjeant *Merewether*, having done so, stated that his application was, that the Witness should produce the accounts of the chairman of the Dock Company from 1775 to 1786, made, according to the Act of Parliament, in the form of those already produced from 1786, and which he states he has in London.

Mr. *Austin* was heard in objection to the application, and stated that the accounts he had produced were not from 1786, but only for the last

Mr. *Edw. Coleman.*

17 June 1840.

five years, and requested Mr. Serjeant Merewether to correct that statement.

Mr. Serjeant *Merewether* stated that he had put them into the hands of the Witness, and asked him if they were accounts printed by the Company, and he had stated that they were.

Mr. *Austin* inquired whether those accounts were put in evidence by Mr. Serjeant Merewether.

Mr. Serjeant *Merewether* replied that he had put them in evidence.

Mr. *Austin* declined to put in any more accounts than those which he had deemed necessary to support his case; and wished to know what course Mr. Serjeant Merewether proposed to pursue, that, when he had opened his case and was giving evidence, he might call upon the Company to produce any thing he pleased, and the Committee would decide upon the application, and begged Mr. Serjeant Merewether to state what the object of his application was.

Mr. Serjeant *Merewether* stated, he wished the Witness to examine the paper which had been put into his hands, with the documents in his possession; that the proper thing for him to request, if he was driven to it, was the production of the documents, and his clients would then have the labour of looking through them.

Mr. *Austin* inquired whether Mr. Serjeant Merewether meant to ask the Committee to direct him (Mr. Austin) to put in those documents as evidence for the promoters of the Bill.

Mr. Serjeant *Merewether* replied in the negative.

Mr. *Austin* stated that the time was not come for Mr. Serjeant Merewether to make the application, that the promoters of the Bill were now in the course of giving their evidence.

Mr. Serjeant *Merewether* stated that when he came to his case it might be too late to call for the documents; that the Witness might be gone, and it might not be possible to obtain them; that the proper course for him (Mr. Serjeant Merewether) to take was to cross-examine the Witness upon the documents he had produced; and if he found the Witness had other documents in his possession which were material for him, it was now the time for him to make the application to the Committee to order the production of them; and that it would be impossible for the Committee to understand the opening of Mr. Austin, or the inference attempted to be drawn from the documents produced, without the production of the preceding documents, and that he should have expected that it would have been said, "if you wish to see these documents they shall be shown to you out of the Committee."

Mr. *Austin* stated that, understanding now what the object of Mr. Serjeant Merewether was, he was prepared to contend that what was proposed to be produced was entirely irrelevant.

Mr. Serjeant *Merewether* stated that the same course was taken by the Committee in 1825 between the same parties.

Mr. *Austin* objected to any reference being made to the proceedings of the Committee in 1825, and stated to the Committee the course he had pursued in conducting his case; that supposing he had shown the necessity of giving additional dock accommodation at Hull, it was his duty to show that the Company were in possession of sufficient annual tolls to enable them to borrow the requisite sum for the construction of the docks, and for that purpose and no other he had put in the annual accounts of the last five years, from which it appeared that the net annual surplus was 26,000*l.*, and that they had shown that 20,000*l.* would be sufficient to raise the sum required; that the course now pursued by Mr. Serjeant Merewether was not an honest opposition to the Bill, and that it was therefore a course which it was his duty to resist.

Mr. Serjeant *Merewether* was heard in reply.

The Committee-room was cleared.

After

After some time the Counsel and parties were again called in, and informed that the Committee had determined that the papers could not be called for now.

Mr. *Edw. Coleman*.

17 June 1840.

1224. Mr. Serjeant *Merewether* to Mr. *Coleman*.] You have had access to the dock papers; have the goodness to look at that paper [*handing one to the Witness*]; that is since that period?—Yes, 1789.

1225. Have you found among the dock papers a paper of that kind?—I never recollect seeing one similar to it.

1226. You never saw one similar to that?—I have no recollection of it.

1227. It seems to bear the signature of Mr. Hammond; do you know who Mr. Hammond was?—William Hammond, chairman of the Dock Company.

1228. All the accounts I have asked you about are all under his name as long as he was chairman?—Yes, the annual accounts are signed by him.

1229. Can you tell me during what period he was chairman?—One thousand seven hundred and eighty-seven; the same year as that is dated.

1230. How long had he been chairman before that time?—I must refer to the papers; the first paper is 1786.

1231. To what period?—Down to 1793.

1232. He was for a long time chairman?—Yes; to the end of 1792.

1233. That embraces the date in that paper I handed to you?—Yes, it does.

1234. Do you know Mr. Hammond's handwriting?—No.

1235. Have you no means of forming a judgment?—I never saw it to my knowledge.

1236. Have you found in the books an account of land sold on the north side of the dock in the year 1787?—I do not recollect that they have any account in the books at all of that kind.

1237. Perhaps you have so far acquainted yourself with the nature of the books that you can tell that if there are lands sold, there are accounts in the books into which it would come?—I think it probable, but I have not gone through the books in detail since that time.

1238. Have you found in the books an account of land sold or materials?—There is a memorandum made, but I do not know that it is carried regularly and officially to account.

1239. That you cannot speak to?—No.

1240. You have given in the accounts for five years; just tell me whether in that you have included the sums which have been paid for permanent improvements, such as the erection of sheds and warehouses, in the current expenses?—What year?

1241. Each year you have stated the amount of the disbursements; for instance, in the year 1839 have you included the solicitor's bill, which I think amounts to the sum of 2,303 *l.*; just look to your account of 1839?—Yes, that is included.

1242. There is the solicitor's bill, 1,083 *l.* 9*s.* 8*d.*?—Yes.

1243. And Mr. Walker 671 *l.*?—Yes.

1244. Mr. Cubitt 419 *l.*?—Yes.

1245. And the chairman 130 *l.*?—Yes.

1246. Those are all extra expenses, and not the ordinary disbursements?—They were paid last year, that is all I know, and they are included in the 19,000 *l.*

1247. In the accounts of 1839, I see there is an increase in the disbursements from 16,000 *l.*, which was the former year, to 19,000 *l.*?—Yes.

1248. Is not, in point of fact, that increase of disbursements in that year made up by those charges?—That is a matter of calculation; it is merely putting down the amounts.

1249. Tell me if the real ordinary disbursements did not come to 17,360 *l.*?—[no answer.]

1250. In 1836 do you not find this entry, "By the Hull and Selby Railway Company, the first call of 4 *l.* per share on 200 shares in that undertaking, 800 *l.*" Is that a part of the current expenses of the Dock Company for that year?—

A Member of the Committee stated that the Company appeared by the other side of the account to have sold those shares.

Mr. Serjeant *Merewether* stated, he would not pursue the inquiry.

1251. "Thomas Simkinson's contract for building two sheds, 1,529 *l.*"?—Yes.

83.

11 4

1252. That

*Mr. Edw. Coleman.*

17 June 1840.

1252. That is included in the current expenses?—Yes, it is.

1253. Do you happen to know whether, in point of fact, that item was not much objected to, and complained of at the time?—I do not know.

Re-examined by *Mr. Hildyard.*

1254. Now with regard to what my learned friend calls permanent works, you are the superintendent of the docks?—Yes.

1255. Do you contemplate that the average expenditure of the Dock Company, in constructing permanent works of the character to which he has adverted, will be as great in the next five years as they have been in the last five years?—I should think they will.

1256. Do you know that the works that are called by him permanent works are in contemplation, and will have to be constructed?—They will.

1257. Do you think that the items will be increased, or may that be taken as the average?—I cannot answer that question.

1258. Are you able to answer this question; was the solicitor's bill during the five preceding years, a greater or less item than the five last years we have selected?—I cannot tell without reference to the accounts.

1259. Looking at the balance sheet of each year would show you that of course?—Yes.

1260. *Committee.*] I see in the year 1835 your disbursements were only 13,591*l.*?—Yes.1261. That is a great difference; can you say what they were in 1834?—Yes, 12,000*l.*

1262. There has been a gradual increase from the year 1834 to the present?—Yes; and an increase of business.

1263. That has been the case?—Yes.

1264. I see there is in the account of your receipts an item of 3,162*l.* for rents?—Yes.

1265. A distinction is made between those rents and the warehouse rents?—Yes; they are the Company's property let out to tenants, yards and premises let out to yearly tenants; the warehouse rent is for goods deposited in the warehouses.

1266. That is the rent issuing out of premises not connected with the docks or necessary for the docks?—On the dock side, but not necessary for the dock.

1267. Is the warehouse rent, rent paid for goods deposited in the warehouses?—Yes.

1268. And the other rent is for warehouses distinct from the warehouse rent?—It is for premises and yards let to tenants, and dwelling-houses adjoining the docks.

1269. Are they on the dock side?—Yes.

1270. You have said that the expenses had increased; do the tolls increase in the same proportion?—Yes.

1271. The increase of the receipts of the Company has been very great?—Yes.

1272. They are 38,000*l.* in the last year?—Yes; there has been a great improvement.

1273. Are the increased disbursements consequent upon the increased trade of the port?—A proportion of them.

1274. Are the increased disbursements to give additional accommodation to the trade of the port?—Yes.

1275. In what way chiefly?—More labourers have been employed, and more officers employed.

1276. Have the docks been kept in a better state?—Yes; this last year there have been some thousand tons of mud taken out, more than in any former year; 140,000 tons of mud were taken out last year, which is 30,000 tons more than in any other year.

1277. Can you state the amount of the double dues?—

[*A paper containing the account was handed to the Member of the Committee.*]1278. *Mr. Hildyard.*] Was there a very great trade in corn in the year preceding that?—Yes.

1279. The corn is chiefly imported in foreign vessels?—Yes.

1280. Would

1280. Would that account for the great increase in the sums paid by the Government for foreign vessels in that year?—Yes. Mr. Edw. Coleman.

1281. That was in the year 1839?—Yes. 17 June 1840.

1282. There was also a considerable corn trade in the preceding year?—Yes.

1283. Are there not very heavy poor-rates upon the Company; are not the rates in proportion to the receipts?—Yes, they are.

[The Witness withdrew.]

[Adjourned till To-morrow, at Twelve o'clock.]

*Jovis, 18<sup>o</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

Mr. *Edward Coleman* was again called in; and further Examined by  
Mr. *Hildyard*, as follows:

1284. HAVE you investigated the accounts, with the view of showing what amount of dock dues was received on corn vessels each year, during the five years on which your average is calculated?—I have. Mr. Edw. Coleman.

1285. From 1835 to 1839 inclusive?—Yes. 18 June 1840.

1286. Tell us, in each year, the amount of duty received upon corn, both in English and foreign vessels?—In 1835, the total amount was 519*l.* 19*s.* 7*d.*, the dues upon all corn vessels; in 1836, 933*l.* 0*s.* 2*d.*; in 1837, 2,033*l.* 13*s.* 3*d.*; in 1838, 4,172*l.* 19*s.* 1*d.*; in 1839, 10,109*l.* 15*s.* 1*d.*

1287. You were asked yesterday, upon cross-examination, the amount of the solicitor's bill for the year 1839; have you investigated the account, so as to be able to tell the Committee whether the average expenditure of the Company for law expenses, for the five years preceding the five on which average is calculated, is greater or less than the five years during which your average is calculated?—Yes, I have.

1288. What is the average on the five years commencing 1830 and terminating 1834?—From the year 1830 to 1834 the sum of 1,432*l.* 12*s.* 5*d.* was paid for solicitors' bills; that will give an average of 286*l.* 10*s.* 5*d.*

1289. State the same calculation, with respect to the five years upon which your average was submitted to the Committee?—From 1835 to 1839 the total amount paid is 1,401*l.* 1*s.* 4*d.*, which will give an average of 280*l.* 4*s.* 3*d.*

1290. So that it appears that the expenditure of the Dock Company, during the five years preceding those for which your average is calculated, was 6*l.* 6*s.* greater than the expenditure during the five years on which your average is taken?—Yes, it does.

1291. Are you able to tell us what the expense of constructing the Junction Dock was?—It was upwards of 166,000*l.*; that is, including the sheds, the Junction Dock and the sheds.

1292. You are the superintendent of the Dock Company?—I am.

1293. Is a very considerable portion of the timber trade conducted between Hull and our North American colonies?—Yes, it is; a very great deal of that trade and the Baltic trade as well.

1294. Is the timber imported from America very various in its sizes; is it cut, for the convenience of the trade, in various sizes?—The deals are.

1295. Does that involve the necessity of extensive quay room, for the purpose of sorting those deals before they can be sold?—Certainly it does.

1296. Must you set apart the different sizes, and sort the different sizes, before a sale can be effected?—It is always customary in part of the docks where I have been accustomed to conduct that part of the trade.

1297. Is it necessary for the purpose?—Yes, it is.

Cross-examined by Mr. Serjeant *Mercwether*.

1298. Yesterday you stated that 40,000 tons of mud had been removed from the dock last year?—Not what you stated exactly, but about 140,000 tons; I am speaking from recollection.



*Mr. Edw. Coleman.*

18 June 1840.

1299. Just tell me where it was carried to?—Into the Humber.
1300. Whereabouts?—In different parts.
1301. Was the principal part carried opposite to the entrance of the river?—Decidedly not.
1302. Whereabouts?—Further up.
1303. Opposite the entrance to the Humber Dock?—No, half a mile or a mile higher up, but I cannot speak positively to that; I never watched it accurately; it is an engineer's question.
1304. Can you tell me who succeeded Mr. Hammond as chairman?—No, I cannot; but a reference to the printed account will show.
1305. Do you know Mr. Arthur Maister?—No, I do not.
1306. *Committee.*] The dues you have stated upon the corn vessels, including the dues paid by the Government and the dues paid by the vessels themselves?—Yes.
1307. Can you tell the dues paid upon foreign corn vessels, beginning in 1835?—That will be 246 *l.* 7 *s.* 6 *d.* in the year 1835; those are the double dues, half-paid by the Government and half by the ship; in the year 1836 the amount paid by the Government for corn vessels was 444 *l.* 14 *s.* 8 *d.*
1308. One thousand eight hundred and thirty-seven?—Eight hundred and one pounds, seventeen shillings and eightpence; in 1838, 1,662 *l.* 1 *s.* 10 *d.*; in 1839, 3,841 *l.* 4 *s.* 6 *d.*
1309. What is the date of the formation of the second class of shares of the Company?—One thousand eight hundred and three, 1804 and 1805, I think it was; I am not competent to answer the question.

*Mr. Hildyard* stated that one class of shares was created by the Act of 1802, the 42d of George III., and another class by the 45th of George III.

1310. *Mr. Serjeant Mercwether.*] The vessels you have spoken of as bringing corn, do they not also bring other cargoes with them, wool and hemp?—There may be now and then a vessel with something of that kind in, but those other vessels not included in this return may have a small quantity of corn in, but nearly the whole of those vessels are laden with corn, and of the remainder the principal part will be corn.

1311. How do you get at this amount of corn?—By the returns given at the Custom-house to the Dock Company's collector.

1312. Of the corn?—Yes.

1313. Do you undertake to say that the account you have given in is confined to corn, and does not include any other article?—There may be a mixed cargo in a ship, but the principal cargo is corn.

1314. Do not the Hamburgh ships bring mixed cargoes of corn and other things?—No.

1315. You are able to answer that positively?—Yes; where a Hamburgh ship brings corn, 50 do not; it is a very rare occurrence; a small quantity is brought over by Hamburgh ships.

1316. Those that come from Hamburgh bring mixed cargoes?—Yes.

1317. Do you take upon yourself to say, that all that return you have given in is solely confined to corn?—As high as it can be ascertained.

1318. Then it is not, in point of fact, an actual return, but as near as you can get?—Yes.

1319. *Committee.*] You say that they generally deposit the mud a mile up the river; has not the mud a tendency to wash down and obstruct the entrance to the harbour?—No, I should think not.

1320. How far up is it taken?—About a mile up.

1321. Does it obstruct the river?—I have never heard any complaint.

1322. Does it wash out to sea?—It is carried up or down by the tide.

1323. The width of the Humber is so great it does not affect it?—No, it is two miles and a half across, with a strong tide.

1324. *Mr. Austin.*] Where the mud is thrown in?—Yes.

1325. *Committee.*] Do you consider there has been no accumulation of mud at the mouth of the Hull of late years?—I cannot answer that question; I have not been long resident at Hull; there has been an accumulation at what is called the cranch, occasioning a bar.

1326. Do you consider that the depositing of this mud makes more of these cranches, or increases this cranch?—That cranch is formed of quite a different matter

matter to what is taken up out of the dock ; it is brought down by the river ; it comes out of the Hull ; that is my opinion. Mr. Edw. Coleman.

1327. Do you consider that the action of the tide is as likely to wash the mud upwards and deposit it there, as to wash it down and deposit it there ?—I cannot say ; I have never considered it. 18 June 1840.

1328. Mr. *Hildyard*.] For how many years did the dock proprietors go without dividends ?—Seven years.

1329. What were those seven years ?—One thousand eight hundred and seven to 1809 inclusive, and 1812 to 1815 inclusive.

1330. They were then discharging very large portions of the debt that had been contracted in building that dock ?—Yes. [The Witness withdrew.]

*James Walker, Esq.*, was again called in ; and further Examined by Mr. *Hildyard*, as follows :

1331. HOW much land will be required to carry into effect this project as it is now intended it should be executed ?—Am I to understand the learned counsel's question to refer to the smallest quantity of land. J. Walker, Esq.

1332. Quite so ?—Fifty-nine acres.

1333. Does that include the site of the timber pond ?—Yes, it includes the whole of the land purchased from Mr. Raikes.

1334. There is no dissentient landowner to that land being taken ?—No, there is not.

1335. Besides the area of your docks and the quayage, which we have been told is double that area, and the timber pond, are there other purposes essential to the making this a complete undertaking that require a considerable portion of land ?—Yes, there is a quantity required to make it a complete undertaking, that is included in the quantity I have given.

1336. What other purposes besides those of the area for the dock and the quayage is required to make this a complete undertaking ?—What is required besides the quays is space for depositing timber and bonding-yards ; that requires a great deal of room ; I am engineer, and have been almost from the commencement, to the Commercial Dock Company in London, the principal of whose business is accommodation for the timber trade ; and I should think, in round numbers, that the quantity of ground we have in quays and timber ponds is treble what there is in docks.

1337. *Committee*.] That is in London ?—Yes, the proportion is the same ; the principle would apply, though the quantity would be different.

1338. You think the same proportions would be required ?—Yes.

1339. Mr. *Hildyard*.] What did you state was the estimate you had received for the land and the compensation ?—Sixty thousand pounds.

1340. Mr. Tadman had added to that the sum of 14,000 *l.* ; are you able to explain the discrepancy between those two statements ?—Yes.

1341. State it ?—The 14,000 *l.* consisted of the property which is within the book of reference or schedule, but did not appear to me to be absolutely necessary for carrying the works into effect ; I therefore requested Mr. Tadman to estimate the whole we had the power of purchasing, but to estimate apart the value of that which we could do without, and the value of what we can do without is the 14,000 *l.*

1342. *Committee*.] Can you show me upon the plan the part you think you can do without ?—[*The Witness explained it to the Committee.*]

Cross-examined by Mr. Serjeant *Merewether*.

1343. This plan I have before me I see includes that land which I understand you to have contracted for, and that is the part coloured blue ?—Yes.

1344. That is so ?—Yes.

1345. That which is coloured blue I see includes the basin, the proposed timber-yard and the dock, up to the road to the garrison ?—Yes ; I presume you are stating it correctly ; the plan is before you.

1346. The question I put to you is whether the blue does include the basin, the timber pond and the dock, up to the road to the garrison ?—I believe so.

1347. That is right ?—While the plan is with you I do not know whether you are stating it correctly ; I have no doubt it is correct.

1348. What is the quantity of land ?—It is the whole quantity of the land purchased from Mr. Raikes, or agreed to be purchased from him.

*J. Walker, Esq.*

18 June 1840.

1349. I see there is a considerable portion of that which includes the basin all along the line of high-water at spring tides, which is fore shore from the high-water mark to or beyond low-water mark?—It is.

1350. Can you tell me what quantity that is?—I should think, at a guess, 16 acres; if the learned counsel wishes it correctly, I can ascertain it.

1351. Is that the property of Mr. Raikes?—That is a very complex legal question, which I am not prepared to answer.

1352. As you say it is purchased of Mr. Raikes, does he claim it, and is it included in the purchase?—I cannot answer that question; I should apprehend that the rights that Mr. Raikes had to the fore shore and the communication with the river have been purchased of Mr. Raikes.

1353. That 16 acres is a part of the fore shore?—It is.

1354. That is part, at present, covered at high-water?—Yes.

1355. And used for the purposes of navigation at high-water?—I should think very little; barges can go over it, and any vessel drawing less water than the depth of water on that particular part may go over it; but as regards the navigation ships I apprehend they never go over it.

1356. I see there is some part of the property upon this plan coloured red?—Yes.

1357. Including the communication from the road that leads to the garrison up to the river Hull?—Yes.

1358. Will you tell me the quantity?—From four to five acres.

1359. I see there are two small detached pieces, red; will you tell me whom they belong to?—I do not know; the book of reference will show it.

1360. I see some coloured yellow; can you tell me about the amount of it?—Yes.

1361. What is it?—Four acres.

1362. That, I think you say, is the quantity you shall probably not want?—No; I did not say we should probably not want it, but that we can do without it.

1363. Do you know whose that red piece is by the garrison?—No; but there are figures upon it, and the figures have reference to the book of reference.

1364. Some part of that plan coloured blue is extra-parochial, and some is not?—That I do not know.

1365. Have the goodness to tell me, do you or not want that part coloured red between the road to the garrison and the Hull?—Yes, we do.

1366. And mean to take it?—Yes, we do.

1367. And mean to make the communication?—I hope so.

[The Witness withdrew.]

Mr. *Hildyard* was heard to sum up the evidence which had been adduced in support of the preamble of the Bill.

Mr. Serjeant *Merewether* was in part heard to open the case of the Petitioners, for whom he appeared.

[Adjourned till To-morrow, at Eleven o'clock.]

*Veneris, 19<sup>o</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

19 June 1840.

Mr. Serjeant *Merewether* was further and fully heard to state the case on behalf of the Petitioners for whom he appeared, and then renewed his application to the Committee to order the production of certain papers in the possession of the Dock Company, of which he had already handed in a list.

Mr. *Austin* stated that it would be more convenient to produce the original documents, instead of copies, that the agent for the Petitioners should have access to the originals; each party being at liberty to refer to them, as if they were upon the notes.

Mr.

Mr. *Reynolds* stated that two gentlemen, officers of the Trinity House at Hull, were in attendance, in order to supply the evidence mentioned by Mr. Serjeant Merewether, in his opening; but that, from a feeling of delicacy in the situation in which they were placed, they objected to produce the documents in their possession without the order of the Committee.

19 June 1840.

Mr. *Austin* stated that the usual course was to call the Witness, and hear what objection he had to make.

Mr. *William Collinson* was called in; and Examined by Mr. *Reynolds*, as follows:

1368. I BELIEVE you are warden of the Trinity House?—I am.

Mr. *W. Collinson*.

1369. If I am rightly informed, you decline giving any information without the order of your own board, or the order of the chairman?—Yes, I do, respecting the proceedings or resolutions of the board.

Mr. *Reynolds* applied to the Chairman to issue the necessary order.

1370. *Committee*.] Why do you decline to produce these documents?—I do not feel justified in making public any resolutions of the board, without their order; I do not feel authorized to do it.

1371. Who is to be injured by your communicating these resolutions?—It is not customary to make public the resolutions of that board, without having the consent of the board.

1372. Mr. *Reynolds*.] Are you aware of any injury that can result to the Trinity House by the production of them?—Not with regard to these resolutions.

1373. *Committee*.] When were you aware you should be called to-day?—I was not aware I should be called to-day.

1374. You were not aware you should be a witness?—I did not know I should be called till this moment.

1375. Mr. *Reynolds*.] You were aware you would be asked some questions about those things?—Yes; but not that I was to be called to-day.

The *Chairman* informed the Witness that he must consider himself under the order of the Committee to produce the documents.

Mr. *Cracknell* (the solicitor to the Trinity House) stated that he apprehended the order must go down to the Trinity board; that the warden had no authority from the board to give any information relating to the resolutions of the board; that he (the solicitor) happened to have the resolutions in his possession for general information; but neither the Witness nor himself felt themselves at liberty to produce them without the sanction of the board.

Mr. *Reynolds* inquired of Mr. *Cracknell* whether he had not received directions to produce the documents in a certain event.

Mr. *Cracknell* declined to give any information as to any private communications he might have had.

A *Member of the Committee* stated that the order of the Committee would be a sufficient justification to the Witness to produce the documents.

Mr. *Cracknell* stated that he had no doubt the Dock Company had been furnished with a copy of all the resolutions; that an application had been made to him this morning for these papers, and an answer given, after consideration, that the papers could not be furnished, except by the order of the Chairman, through the House, in the usual course, without the sanction of the board.

The *Chairman* stated, he doubted whether he had the power to order the production of the papers.

Mr. *James Walker* was called in; and Examined by Mr. *Reynolds*, as follows:

1376. WHAT are you?—A sloop-broker.

Mr. *J. Walker*.

1377. Residing at Hull?—Yes.

1378. What is the nature of your business as a sloop-broker?—Collecting goods for loading the vessels for different parts, both coasting vessels upwards, and up to Gainsborough, Leeds, for Lynn and Boston, and Yarmouth and London.

83.

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1379. When

Mr. J. Walker.

19 June 1840.

1379. When you have procured cargoes for those vessels, do you procure them all at one place?—No; first at one wharf and then at another, at different places.

1380. What is the average burden of the sloops you employ?—From 60 to 80 tons.

1381. How do those vessels take in their cargoes?—By cranes, and by their own tackle from lighters in different places, from one dock and then another.

1382. Do they generally get a full cargo at one wharf?—No; sometimes five tons at one place and ten at another, as persons buy the goods.

1383. The same sloop will have to call at different wharfs?—Yes, till she makes up her cargo.

1384. Is there a good deal of business carried on in the harbour?—Yes, a great deal.

1385. The harbour is a tidal river?—Yes.

1386. Is any inconvenience experienced by sloops from that circumstance?—Yes, by grounding; they cannot get to work for it.

1387. If that harbour were converted into a dock, would that be remedied?—Yes, certainly it would; they could work the whole of the day.

1388. Do you mean to say they cannot work the whole of the day now?—No, except they are under the crane and cannot shift; if a dock was made of it, they could shift from one dock to the other.

1389. Why is it they cannot work the whole day?—The water being low, it is dry there at times.

1390. When a sloop has got as much cargo at one dock as she can get there, is she obliged to wait for the next tide if it is low-water?—Yes.

1391. That would be remedied if she was afloat?—Yes; she might go from one dock to the other, and carry on business the whole of the day.

1392. In going from one dock to the other, do you come out of the harbour into the basin, and so into the dock?—We generally come through the docks into the old harbour by the old dock.

1393. You go that way?—Yes, through the Junction Dock and the old dock, for safety like.

1394. If you are in the Humber Dock and want to go into the harbour, the route you adopt is through the Junction Dock and the old dock for safety?—Yes.

1395. What is the danger of going the other way?—Sometimes it is low-water, and you cannot get that way.

1396. When the water is high, where is the danger?—Perhaps the sea is too heavy for them.

1397. Is there a good deal of sea there sometimes?—Yes.

1398. And it is a very dangerous navigation?—Yes.

1399. You are speaking of the space between the basin and the Humber Dock and the harbour?—Yes.

1400. You tell us that the navigation is very dangerous between the basin of the Humber Dock and the mouth of the old harbour; how is the navigation between the mouth of the old harbour and the fore shore belonging to Mr. Raikes?—Very dangerous indeed, and there is no protection there; I am liable to the danger of losing people's property; with a south-east wind it is impossible to get off the land, and it is very dangerous indeed.

1401. Suppose a dock made in that situation with a basin projecting into the Humber for a considerable distance below low-water mark, and you had occasion to go from the old harbour to that dock, there being no communication between the dock and the old harbour but by the river, what kind of navigation would it be?—You would many times lose your goods or lose your vessels.

1402. How are these sloops navigated now between the basin and the harbour?—They are conducted by lines from one jetty to the other, and poles, with sometimes two or three extra men.

1403. Supposing you had to navigate to the proposed dock in that situation, could you use lines and poles?—No; it is deep water you get into there.

1404. I do not see there any jetty or any thing to help you?—No; and with a north-east wind you would blow off the land.

1405. That would be dangerous to you?—It would blow her out to sea.

1406. How would you be obliged to navigate?—We should have to get her under way, with her canvas, with sloops to navigate her.

1407. How would you do with lighters?—It would be so dangerous, it would not be fit for lighters to go round at all.

1408. I suppose

Mr. J. Walker.

19 June 1840.

1408. I suppose by getting under way, you mean hoisting the sails?—Yes.
1409. Would that require more hands than your present mode of navigation requires?—No; our own ship's company could do it.
1410. Would you want a new insurance?—Yes; it ought to be on account of the danger of it.
1411. *Committee.*] Is there any swell in here which makes it dangerous?—Yes; and with a southerly wind it is a long fetch from the Lancashire side.
1412. Do you mean to say that the sea-swell comes in here at the mouth of the harbour?—Yes.
1413. Mr. *Reynolds.*] Have you ever seen Mr. Rendel's plan?—Yes.
1414. Just look at that [*handing it to the Witness*]; do you see upon that plan a steam-boat pier, and another pier close to your left hand?—Yes.
1415. Now, suppose those two piers marked in that line to be executed, and a projection carried out where the harbour is, so as to include the large basin, and having a harbour dock, supposing a large inclosure made in front of the Humber Dock, in connexion with the harbour dock, would that afford you increased protection in passing from one of those docks to the other?—Yes, it would increase it; but the dock would be better in the old harbour, for the improvement of the trade.
1416. Would it afford you more protection in passing from one side to the other than an open space?—Yes, it would break the sea off.
1417. Would it be better for your navigation?—Yes.
1418. Would it tempt you to go that way rather than the roundabout way?—Yes, sometimes.
1419. Would it be a great saving of time to you?—Yes, a very great one.
1420. Suppose a dock made to the eastward, with a communication with the harbour on Mr. Walker's plan [*another Plan was handed to the Witness*]; you see another plan to the eastward of the citadel?—Yes.
1421. And a communication between that and the harbour?—Yes.
1422. Would such a communication as that facilitate your trade with that dock?—Yes, that would make it safer; because we could go from one dock to another with safety.
1423. You would not have occasion to go out to sea?—No.
1424. Nor to get under way?—No, you would want no canvas; poles would do.
1425. You see that communication comes into the harbour, but goes no further?—No, I dare say it does not.
1426. You will observe, that when it gets into the harbour, it comes into the tidal way, between that and the old dock?—Yes.
1427. If that could be removed, and you could have floating water from one dock to the other, would that be a great improvement?—Yes, it would; with the old harbour made into a dock you would have a communication altogether.
1428. Even with that alteration, what, in your opinion, would be the preferable plan of the two; Mr. Rendel's plan, before you, or Mr. Walker's plan?—I should prefer the old harbour made into a dock.
1429. How long have you known the old harbour?—Upwards of 50 years.
1430. Is it in as good a state now as it was 50 years ago?—No, nothing to compare to it; it is in a very bad state at the present time.
1431. In what respect is it in a very bad state?—For want of attention to it, and cleansing it and taking away the earth; the hills are in a very dangerous position for the ships to ground on.
1432. What do those hills consist of?—Mud and stone, and different things created together.
1433. Have those hills of mud and stone increased much of late years?—Yes, in the last 10 years.
1434. Is that since the opening of the Junction Dock?—Yes.
1435. What effect upon the number of ships in the harbour had the opening of the Junction Dock?—They all went into the Junction Dock, and that has caused the harbour to be so bad as it is.
1436. Explain to the Committee how that has happened?—The harbour is not confined as it was before when it was confined by the shipping, and the scouring of the old dock caused the mud to go away; now there is so much room in it, it is confined to the channel alone.

Mr. J. Walker.

19 June 1840.

1437. That has been chiefly since the opening of the Junction Dock?—Yes, it has.

1438. *Committee.*] From the withdrawal of the shipping?—Yes.

1439. Mr. *Reynolds.*] During the number of years you have known the harbour, have you ever known the Dock Company do any thing to cleanse it?—I have known them empty the mud-boats into it.

1440. Into the river Hull?—Into the river harbour.

1441. Have you ever known them take any mud out of it?—I have not; never.

1442. Have you ever known them take any stones out of it?—I never saw them take any out.

1443. You have known it 50 years?—Yes.

1444. Have you known them throw the mud in frequently?—When the harbour was thronged I have known them empty the mud-boats into the harbour; it is several years back.

1445. You speak of their throwing the mud in; was that before the Junction Dock was opened?—Yes; it was many years back, when the harbour used to be very thronged.

1446. Do you remember in what year the Junction Dock was opened?—One thousand eight hundred and nine, I believe.

1447. The Junction Dock?—No; I really cannot say positively.

1448. Was it 1829 or 1830?—I cannot say positively.

1449. Before that dock was opened, they threw their mud into the harbour?—Yes; before the Junction Dock was opened they could not get the mud-boats out conveniently, and they emptied them into the harbour.

1450. Where were they coming from?—From the old dock down the harbour.

1451. They could not get them out, and they emptied them into the harbour?—Yes, at times.

1452. Have you seen that done yourself?—Yes.

1453. More than once?—Yes; but it is years back now.

1454. Did you see it frequently?—No; I have seen it done.

1455. Have you seen it frequently?—No, I have seen it several times; I cannot say how many times.

1456. Do you know any thing at all about the rates of insurance taken upon vessels going into the old harbour and the docks?—No, I never did insure for that purpose; I have insured for sea, but never for that purpose.

1457. Do you know in what part the foreign trade of that port was formerly chiefly carried on?—In the old harbour.

1458. Where is it carried on now?—In the docks chiefly now.

1459. Do you know the state of the river Humber at all?—Yes.

1460. Has there been any increase of mud about the mouth of the harbour of late years?—Yes, very much indeed in my time.

1461. I am speaking of that part of the Humber round about the mouth of the harbour?—Yes, the east side of the harbour.

1462. The garrison jetty?—Yes; when I was a boy we used to come down at low-water and make a rope fast to the inner dolphin; you will see it upon that plan.

1463. Can you point it out?—Yes, I dare say I can.

1464. The inner dolphin was close to the jetty-end?—The dolphin is not in that plan.

1465. Can you mark where it is?—I dare say I can.

1466. Is it in Mr. Rendel's plan?—No, it is not.

1467. Can you show whereabouts it is?—There used to be an inner dolphin here, and the outer dolphin here [*pointing to the Plan*].

1468. When you were a boy you used to come in, where?—We used to make fast at low-water to the inner dolphin.

1469. Where do you go in now?—We cannot make fast to the outer one, the mud is laid up to that degree.

1470. To get into the harbour from the sea, which way are you obliged to go now?—When we go to sea it is high-water; then when we come in at low-water we come to the westward.

1471. From where?—Down the Humber.

1472. When you are coming up the Humber?—Round the east point then.

1473. How far up must you go before you can get into the channel of the harbour?—There is a channel close to the west breakwater.

1474. Then

1474. Then you go about as high up the river?—Yes, then we come within the cranch. Mr. J. Walker.  
19 June 1840.
1475. At what time of the tide is that?—About half ebb.
1476. In doing that, is a great deal of the tide spent?—Yes.
1477. Does that cause a great deal of additional delay?—Yes; by there being so much mud there, you cannot get into the harbour.
1478. You said something about the cranch; what is that?—Stones, and what washes out of the harbour.
1479. Is that large and extensive?—No, it is chequery.
1480. How far does it extend?—About two lengths of a vessel without the harbour.
1481. Has any attempt been made to remove it of late?—Yes, they have had an engine working “agait” at it.
1482. How long has the engine been working there?—A couple of months, or three months.
1483. Is it all removed now?—No, it is not.
1484. Have the Company ceased to attempt to remove it, or has the engine ceased to work there?—I have not seen the engine “agait” at it lately.
1485. Is there any mud bank in that neighbourhood, besides the one you have spoken of in the mouth of the harbour?—No.
1486. The impediments to the entrance of the harbour are, first this mud bank, and then this cranch?—Yes.
1487. *Committee.*] Is the cranch inside or outside of the mud bank?—Outside of it.
1488. *Mr. Reynolds.*] Do you know whether the Dock Company are in the habit of removing the mud in mud-boats?—Yes.
1489. Where do they deposit it?—To the eastward of the harbour, in the Humber; I should think about 600 tons in a morning.
1490. How long have they deposited it there?—I cannot say; several years now; they carry it out every day.
1491. Do they carry it all to the eastward?—Yes; I very seldom see them just above the harbour.
1492. How far from the harbour do they carry it?—Not very far off, but the tide sets it into the harbour again, part of it.
1493. Do they carry it half a mile away?—No; I cannot say I have seen them carry it half a mile off.
1494. Have you seen them carry it straight out into the stream of the harbour?—Yes, I have at times by a steam-boat.
1495. Have you ever seen them carry it up the stream of the Humber?—Yes, I have seen carry it up the stream of the Humber.
1496. I have heard something about towing your lighters by steam?—Yes, we have towed out of the harbour round to the Humber Dock.
1497. Would it be equally easy to tow them the other way into the proposed dock of Mr. Walker?—Yes; we could tow them round, but it would be more dangerous.
1498. Why so?—The distance is so much further.
1499. Is there any expense attending the towing?—Yes, there would be if we had not a steamer of our own; we could not afford to do it else.
1500. Are your lighters of a superior construction to the common lighters?—No, common lighters.
1501. You use the tug to tow them from the harbour to the Humber Dock?—Yes, at times.

## Cross-examined by Mr. Austin.

1502. You said there would be an expense in towing the lighters by steam if you had not a steamer of your own?—Yes; because we should have to hire one.
1503. May I ask you, who you mean by “we”?—It makes me say “we,” because I am servant to Henry Smith, of Gainsborough.
1504. Who is brother to John Smith, of Hull?—Yes.
1505. A gentleman opposing the Bill here?—Yes.
1506. That gentleman [*pointing to Mr. Smith*]?—Yes.
1507. Do you happen to come up by his desire?—No; I believe Mr. Reynolds was the person that proposed me to come up.
1508. Who is Mr. Reynolds?—The gentleman beside you, I believe.
1509. I thought



Mr. J. Walker.

19 June 1840.

1509. I thought you spoke of some gentleman, an opponent of the Bill; is that so?—No.

1510. Is that so; does he oppose the Bill?—I do not know; he had me up to examine me at Hull.

1511. Did he take you through the mud at Hull?—No, he did not.

1512. I will take you through a little of it?—Very well.

1513. You have described at considerable length the entrance of this harbour; what is the depth of water where Mr. Walker proposes to make his basin here; take the western corner of that basin at high-water?—The entrance of the eastern dock, where he makes his basin, would be three fathoms at high-water.

1514. What is the width of the river there?—The Humber?

1515. Yes; what is the width?—About two miles and a half from the Yorkshire to the Lancashire side.

1516. It is rather more than that, is it not?—Very likely it is.

1517. Is it not nearer three miles?—It may be; we have reckoned it generally thereabouts.

1518. Do you know how far this basin projects into the water?—I should think it projects out into three fathoms; I do not know how far you intend to carry the jetty out.

1519. You have been giving an opinion upon its effect; I want to know if you have ascertained how far it projects into the stream?—I should think about the length of a ship.

1520. *Committee.*] What sort of ship; a ship with three masts?—Yes, 400 or 500 tons.

1521. Mr. *Austin.*] Therefore you would take off the length of a ship from a river three miles wide?—Yes.

1522. Do you conceive that that would be any injury to the navigation of the river?—No, not in the least.

1523. So far as the navigation of the Humber is concerned, you think it would not be any injury to the navigation?—No, not in the least.

1524. In looking at the chart, I see the channel of the Humber is far away from that?—Yes.

1525. Tell me the depth of water at the end of that pier, at low-water?—Not much water at low-water.

1526. Just look at that plan; do you know that there is any water at low-water; what is the lift of the tide?—Sometimes it will flow 24 feet at high spring tides.

1527. And I think where the entrance is to be made, there are only three fathoms at high-water, you say?—The further you carry it out, there would be more water, and the distance from the bank to the distance here, there would be three fathoms.

1528. If there is a lift of the tide of 24 feet and three fathoms at high-water, does not it follow it would be six feet above low-water mark?—Yes; but the ebb falls out much lower sometimes than others.

1529. I am taking your own data; with three fathoms and a lift of 24 feet, there would be six feet at low-water?—Yes.

1530. There would be no low-water at all?—No.

1531. What vessels ever go over the space proposed to be occupied by that basin?—Vessels from abroad will.

1532. Do you ever see any thing but barges there; did you ever see any thing there?—Yes; I have gone in close to the land where the basin is to be made.

1533. Would it be any very great inconvenience if you had been compelled to keep a ship's length into the river?—No, not when we run away with the canvas up; it is no detriment then, but it would be without that.

1534. What detriment would that be?—Sometimes, when there is no wind, we lance along with poles.

1535. Is it a detriment to which you attach much importance?—We should have to go further out.

1536. Is that a matter of great consideration?—No; it is no matter of great detriment.

1537. Now, as to the state of the mouth of the river Hull; there is what you call the cranch at the mouth of the Hull?—Yes; at the mouth of the old harbour.

1538. Do you know of what materials that cranch is composed?—It looks small chequery stone and bricks, and all kind of combustibles.

1539. They

*Mr. J. Walker.*

19 June 1840.

1539. They must come out of the magazine; did you see the combustibles removed the other day?—I saw they had removed.

1540. Did you see them removed?—No; but I have been upon it.

1541. How is it you have become acquainted with the materials?—When I have been there I have seen it; I have been aground there.

1542. High and dry?—Yes.

1543. Have you seen the surface of the cranch?—Yes.

1544. Do you ever recollect a time when the cranch was not there?—It was nearer in a great deal than it is now; more into the harbour than it is now.

1545. How much nearer do you suppose?—About at the mouth, right up to the garrison side; it goes further out; it leads further out into the channel.

1546. Did it enable you to warp in on the eastern side by the eastern channel?—We generally warp in on the western channel; there is more water there.

1547. Were you able, when the cranch was in the old position, to warp into the eastern channel?—Only at times; it shifts very much indeed.

1548. You say the cranch shifts a good deal; do I understand you to say it has always been shifting?—Yes, at times it does.

1549. It depends upon the height of the tide?—Yes.

1550. And the state of the wind, and so forth?—Yes; the freshes down the river.

1551. If I understood you correctly, ever since you have seen and known this cranch, it has been dancing about in the way you describe?—Yes, occasionally.

1552. The same body of materials shifting their place?—I have never seen any others but the kind I have stated.

1553. It is the same material shifting its bed?—Yes.

1554. If I understand you correctly, it is a little more to the westward now than it was when you were a boy?—I cannot say there is much difference.

1555. Then, upon the whole, is not the state of things this; that taking one tide with another, the cranch is in much the same position as when you were a boy?—It is further out from the mouth a good deal than when I was a boy; further out from the mouth of south end.

1556. In your opinion, is the cranch an inconvenience to the navigation of the old harbour?—Yes.

1557. An inconvenience to vessels getting into the harbour?—Yes.

1558. And it would be desirable to have that same cranch removed?—Yes, it would, very much indeed.

1559. It would be a very great benefit to the old harbour navigation if that was out of the way?—Yes; I think what they suggest of making a dock would take it away.

1560. And by taking that away, it would confer a great benefit upon the navigation?—Yes, it would indeed.

1561. How lately have you been at Hull?—I was at Hull last week.

1562. How lately have you been in a barge near this cranch?—I have not been lately, for I do not go in one.

1563. You do not happen to know the fact, that the cranch has been removed?—By the engine?

1564. Yes?—I have seen the engine work myself.

1565. Do you know that the cranch has been removed?—Part of it.

1566. How do you undertake to say only part has been removed?—I have seen vessels aground.

1567. When?—I cannot say to a week or so, but I have seen them aground since the engine has not worked there.

1568. Do you know what depth of water there used to be upon the cranch at ordinary tides, at low-water?—I have seen it dry at low-water.

1569. Have you seen it dry of late?—I have not.

1570. Do you know the sill of the Humber Dock?—Yes.

1571. Do you know it is very deep?—It is very good water upon it at the present time; it is not a bad navigation, indeed.

1572. Over the sill of the Humber Dock?—Yes.

1573. If the water over this cranch were only nine inches above the sill of the Humber Dock, in your opinion would not the cranch have been removed for the purposes of navigation?—It is a long distance from that.

1574. I am speaking of the depth; you say the depth of water over the

Mr. J. Walker.  
19 June 1840.

Humber sill is such that there is good navigation over it?—Yes; I do not know the depth of water over it.

1575. Is it not a good deal deeper than the bottom of the harbour?—No, it is not deeper than the bottom of the harbour.

1576. Do you mean to say that it is not deeper?—I really think not.

1577. Would you say that it is not as deep?—I cannot say.

1578. Do you mean to say, that it is not six feet deeper than the old harbour, the sill of the Humber Dock?—No, it is not.

1579. Do you mean to say that?—Yes.

1580. Do you say that of your own knowledge?—Yes, I speak of vessels.

1581. Do you mean to say, there is not six feet more depth over the sill of the Humber Dock than in the old harbour?—No, I think not myself; I am sure not.

1582. As you say you have made observations, will you tell the Committee the difference of depth?—The reason I give to you is this—

1583. What is the difference in the depth of the water?—I should think there is not three.

1584. If I understand you, you mean to say that the sill of the Humber Dock is not three feet deeper than the old harbour?—I think not; I only give you my judgment.

1585. Do you mean to say it is deeper?—At what part do you mean; the entrance of the harbour or the upper part?

1586. Do not ships of 800 tons go over the sill of the Humber Dock?—Yes, at high-water.

1587. Do ships of 800 tons go into the old harbour?—I never saw one.

1588. Could they go?—Yes, they could at high-water, at spring tides.

1589. Do you not know that they can get over the sill of the Humber Dock at neap tides?—No, not a ship of that size; I never saw one of that size do it.

1590. Will you undertake to say that they cannot?—Some ships draw more water than others.

[The Witness withdrew.

[Adjourned till To-morrow, at Twelve o'clock.

*Sabbati, 20<sup>a</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

20 June 1840.

A COPY of the RESOLUTIONS of the TRINITY HOUSE, furnished by Mr. Cracknell (under the Order of the House), was delivered in, and assented to by Mr. Austin; and is as follows:—

“ Trinity House, Hull, Saturday, 5th January 1839.

“ Present, Capt. Whitaker, } Wardens.  
Mr. Bennett, }

“ Mr. Thackray,  
J. Hall,  
Marshall,  
Collinson,  
Field,  
George Hall,  
Gill,

} Elder Brethren.

Mr. Sugden,  
Wharton,  
Brodrick,  
Brigham,

} Assistants.

“ At this board was read a notice from the Dock Company of Kingston-upon-Hull, of a special general meeting of the members of that Company, to be held at their office, on Wednesday, the 9th instant, to determine, ‘ Whether or not the said Company shall now proceed to make an additional dock or docks at the town of Kingston-upon-Hull, and upon what site or sites, and upon what terms and conditions; also to determine, whether or not the Company shall accept or reject an offer made by the corporation of the mayor and burgesses of the town or borough of Kingston-upon-Hull, for the letting and selling to the Company, upon certain terms and conditions, a quantity of land belonging to the said corporation, adjoining the river Humber, and situate to the west of the entrance basin of the Humber Dock, or whether any and what proposition shall be made by the Company to the said corporation for the purchase of their land, upon some other, and what, terms and conditions; also to determine, whether or not the Company shall confirm a conditional agreement made by a committee of the Company with Messrs. Raikes, for the purchase or acquisition

20 June 1840.

acquisition of a certain quantity of land belonging to the said Messrs. Raikes, likewise adjoining the river Humber, and situate to the east of the citadel at Kingston-upon-Hull aforesaid; and also to determine, whether or not the Company shall or may, at or under the order or resolution of any ordinary meeting of the said Company, contract and agree with any person or persons for the purchase or acquisition of any lands or hereditaments which may be necessary for the making of such dock or docks, or for all or any of the purposes before mentioned: And the board being convinced of the necessity which exists for further accommodation to the shipping frequenting the port, by means of an additional dock, and having had before them various plans and estimates for the making of such additional dock on both the sites mentioned, and referred to in the said notice; and also ascertained by survey the eligibility of access to such sites respectively from the river Humber; and having, moreover, duly considered the measure generally, as affecting the interests of the trade and commerce of the port,—

“ It was Resolved,

“ That in the opinion of the board, the more eligible situation for additional dock room, for the accommodation of the trade of the port of Hull, is the site referred to in the said notice, as being situate on the east side of the citadel, adjoining to the river Humber, as well from offering greater facilities of ingress and egress from and to the river Humber, as also affording more ample space for extending and enlarging such dock or docks, should the future state of the trade of the port require the same.

“ That the warden be therefore authorized and directed to attend the said special general meeting of the Dock Company, to be held on the 9th instant as aforesaid, and to vote as the proxy of this corporation, for the making of such additional dock or docks on the site last above mentioned.”

“ Trinity House, Hull, Saturday, 4th April 1840.

“ Present, Mr. Sugden, } Wardens.  
Collinson, }

“ Mr. Thackray, J. Hall, Capt. Whitaker, Mr. Field, Alder, Horncastle, Gill, Bennett, }	Elder Brethren.	Mr. Wharton, Brodrick, Brigham, B. Gill, }	Assistants.
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“ Resolved unanimously,

“ That so much of the resolutions of the 7th day of March last, as declares the opposition of this corporation to the Bill to be confined to the several matters specified thereby, was passed in the belief then entertained that the intended dock and works were to be made and completed within the time limited by the said Bill; and in every respect agreeably to the plan thereof transmitted by the Dock Company to this house.

“ That it, however, appears to be the present intention of the Dock Company to reserve a power of postponing beyond the term of seven years, from the passing of the said Bill into a law, the making and completing of so much of the said dock and works as includes the communication therefrom to the old haven; this corporation do, therefore, decidedly disapprove thereof; being convinced, that without such communication, the accommodation intended to the trade and commerce of the port will be in a great measure frustrated, by the want of a ready and immediate access to and from the said haven, and by the great and serious expense, risk and inconvenience which must necessarily be experienced, in the transmission of goods and merchandise to and from the said dock.

“ Ordered,

“ That a copy of the above resolution be transmitted to the Dock Company.”

Mr. *James Walker* was again called in; and further Cross-examined by Mr. *Austin*, as follows :

1591. YOU told me yesterday you came from Goole, or where?—From Hull.

1592. Not from Hull, was it?—Yes.

1593. Where have you been living for the last three or four years?—At Hull.

1594. Have you been engaged in your own business there?—In the brokering line; brokering for goods for vessels.

1595. I think you told the Committee yesterday you had seen some mud thrown into the old harbour by the dock people?—Out of the mud-boats.

1596. Be so good as to tell the Committee when you last saw it?—I cannot speak to the time; it is some time ago.

1597. That is nothing at all; is it months or years?—How long is it since the Junction Dock was opened?

1598. Mr. *Reynolds*.] In 1829?—It was before then; I was in a vessel myself.

1599. Was it before the year 1825?—It was before the Junction Dock was opened; I really cannot say to a year.

83.

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1600. Committee.]

Mr. *J. Walker*.

**Mr. J. Walker.**

20 June 1840.

1600. *Committee.*] Had it been begun?—Yes, I believe it had.
1601. *Mr. Austin.*] Do you know whether it had been begun?—Yes; there was no navigation through the Junction Dock.
1602. How do you know it was begun?—I lived at Hull.
1603. Do you recollect that it was begun?—Yes, I do; I was master of a vessel at that time.
1604. Now tell me what you saw deposited in the harbour?—I have seen three lighters deposited in the harbour.
1605. In one day?—Yes.
1606. How long was it since you had seen any lighters emptied into the harbour before?—I cannot say positively; I have seen it twice or three times; I cannot say positively.
1607. Do you mean to say besides those three, you have seen mud deposited in the harbour two or three times?—Yes.
1608. Is that in the course of the whole time you have lived at Hull?—Yes.
1609. How long have you lived at Hull; 50 years?—I was bred and born there; I have not been there all the time.
1610. Then, if I understand you, you have told the Committee you have in the course of your life seen mud deposited two or three times in the harbour?—Yes.
1611. The occasion you fix upon is after the Junction Dock was begun, and before it was opened?—Yes.
1612. When was it you saw the other mud deposited there; you say twice or three times?—It was very little distance of time from one another; the harbour was so thronged up they could not get out of the harbour.
1613. Where did those lighters come from?—Out of the old dock.
1614. Did they all come out of the old dock into the old harbour?—Yes.
1615. For the purpose of getting into the Humber?—Yes.
1616. How much mud did they contain?—They were supposed to carry 40 or 50 tons.
1617. You saw it?—I cannot tell exactly the weight.
1618. I am not asking you so silly a thing; did you see it?—Yes.
1619. How much was it?—About 100 or 140 tons.
1620. If I understand you right, the harbour was thronged upon that occasion?—Yes, it was.
1621. Were you upon the quay?—No, I was in my vessel.
1622. How was it that they threw their mud down there?—They could not get out of the harbour.
1623. As they could not get out of the harbour, had they any means of emptying the mud in any other place?—No, I do not know that they could empty it any where else.
1624. Perhaps you know that they could not?—Yes, they could not.
1625. Upon that occasion you saw them empty the mud into the old harbour?—Yes.
1626. Where was it?—Between Church-lane and Scale-lane.
1627. That is more than half way down, is it not?—Somewhere about that.
1628. Were you in the employment of Mr. Smith at that time?—No, I was not.
1629. Did you make any representation to any body about it?—No, I had no occasion to do it.
1630. How soon afterwards did you go up the harbour with a vessel of your own?—The following tide.
1631. Did you go up by the place where the mud was shot out?—No.
1632. Did you ground?—No.
1633. Did you suffer any inconvenience?—No, my vessel was light.
1634. Did you see any heavy vessel go up after the mud was deposited there?—Yes, the following tide.
1635. Did they ground?—Yes, they grounded upon the ebb.
1636. Did they ground in the place where that mud was deposited?—No, there was mud before that.
1637. Did you ever hear of any damage that ensued from throwing the mud there?—No.
1638. Do you believe that any damage has ensued from depositing those three loads of mud in the river?—No, I do not.
1639. If the Junction Dock had been made at that time, could not the lighters have come out into the Humber without going into the old harbour?—Yes.
1640. Now

Mr. J. Walker.

20 June 1840.

1640. Now there is a complete communication with the docks, there will be no occasion to take the mud down the harbour?—They do it now.

1641. There is no occasion for it?—It is the “gainest” way from the old dock.

1642. If it should so happen that the old harbour is thronged with ships, they may go through the other docks?—Yes.

1643. You have said you have seen the mud thrown into the Humber?—Yes.

1644. The water of the Humber is very muddy, and full of soil?—Yes.

1645. And the docks silt up very rapidly?—Yes, very rapidly indeed.

1646. That must be the case with any docks at Hull?—Yes, it comes into the docks, and goes through the docks.

1647. It is absolutely necessary it should be taken away?—Yes, or they would soon lay up.

1648. Do you know who the pilot commissioners are?—No, I do not.

1649. Did you never hear of them?—I do not know their names, I am sure.

1650. Do you not know there are a body of persons whose duty it is to look to the state of the harbour?—Yes; but I do not know their names.

1651. When you have seen the mud deposited in the docks, have you seen some officers belonging to that body directing the dock officers where to deposit the mud?—No, I have not seen that.

1652. When you have seen the mud deposited, have you been on shore?—Yes.

1653. Do you know where the mud has been deposited in the Humber?—It is half a mile or a quarter of a mile off, so as they can employ a steamer.

1654. They have a steamer for that purpose?—Yes, one of their own.

1655. Have you navigated the Humber?—I have gone up with my vessel, but it is some years back.

1656. Have you ever seen any deposit of mud in the Humber inconvenient to the navigation by the direction of the Dock Company?—The harbour is silting up at the east point.

1657. I am speaking of the Humber; have you ever experienced any difficulty in navigating the Humber in consequence of the mud thrown into the channel?—No.

1658. Do you believe that any difficulty has existed from that circumstance?—Not to my knowledge.

1659. I ask you, as an experienced man, which I believe you are, do you believe that any inconvenience has resulted from it?—Not that I know of.

1660. The tide runs down with great force?—Yes, very rapidly at spring tides.

1661. If they were to throw in 100 or 200 tons of mud in a day, the tide would wash it away?—I cannot tell where it would go; it would disperse all about.

1662. You have never seen any difficulty arising to the navigation from that mud operation?—Not in the Humber.

#### Re-examined by Mr. Reynolds.

1663. Will you go back with me into the harbour, if you please; you stated to my learned friend that those mud-boats could not get out of the harbour at the time you saw them empty their mud into it?—No, they could not.

1664. Could they have remained till the road was open, and then have carried it out?—Yes, but the lighters were not fit to lie with it in.

1665. How do you mean?—They load them too deep for that purpose.

1666. They had loaded their lighters so deeply, they were not fit to lie in the harbour, and they emptied them into the harbour?—Yes, and took them back.

1667. If they had loaded them less deeply, might they have waited till the river was clear?—Yes, they might.

1668. Do you mean that if the mud-lighters ground, they will not rise with the tide?—Yes.

1669. Are they all flat-bottomed boats?—Yes.

1670. What do they draw?—Five feet and a half when loaded.

1671. Do you mean to say they were so deeply loaded, that if they had remained in the harbour and taken the ground, they might not have risen again?—They might have damaged themselves, and strained the vessel lying.

1672. Mr. Austin.] You were asked whether you preferred the proposed plan of Mr. Rendel, or the plan deposited by the promoters of the Bill, and you

Mr. J. Walker.

20 June 1840.

answered, certainly you preferred Mr. Rendel's plan; you know Mr. Rendel's plan?—I have seen it; will you let me look at it again? I like the dock very well, but you cannot make a dock before the citadel; can you?

1673. Do I understand you to say, you cannot make a dock before the citadel?—Can they do so?

1674. What difficulty do you see in making a dock before the citadel?—It would make the finest plan of a dock that can be, if they will allow it.

1675. If who will allow it?—The Government.

1676. What are they to do with the old harbour under that plan?—Join them both into one.

1677. What are they to do with the river Hull?—Bring it to the eastward.

1678. Where do your vessels go into the harbour?—From south end to north end.

1679. For what purpose do they go in?—To take in goods.

1680. From the staiths?—Yes, and out of the ships.

1681. They go to the warehouses there?—Yes, different warehouses.

1682. Picking up their cargoes at the warehouses?—Yes; according as we are ordered to go for different goods.

1683. Where do you suppose the warehouses are to be built on the new channel?—I never gave it a consideration; you mean the new harbour?

1684. No, in the new river Hull; you tell this Committee you prefer this plan to Mr. Walker's plan; do you prefer it or not?—Yes, I do.

1685. Do you know any thing about it?—I see where they join the dock.

1686. Do you know any thing about the dock at Hull?—I see that this will be convenient where it is planned.

1687. What for?—What ships?

1688. What ships?—Large shipping.

1689. Would not Mr. Walker's plan be very convenient for large shipping?—Yes.

1690. Would it not be just as convenient as the other; you have given a strong opinion; I should like to see upon what it is grounded?—I should prefer Mr. Rendel's plan.

1691. Why should you prefer it?—I should think the dock would be so much gainer.

1692. Why?—Keeping more into the harbour, and keeping one dock fore and aft with the harbour; you lie fore and aft here.

1693. You are speaking of the dock opposite the citadel?—Yes.

1694. Why do you think it will be a more convenient dock than that proposed by Mr. Walker?—It will take the fore shore up entirely, which is vacant ground now.

1695. Is that vacant ground of any importance now?—It is made no use of where the citadel is.

1696. You speak of that vacant space?—Yes.

1697. That you say is made no use of now?—No, it is not.

1698. It is of no use for the purposes of the navigation?—No.

1699. *Committee.*] That is in front of the citadel?—Yes.

1700. *Mr. Austin.*] The whole of that tract at present is of no use?—It is nothing but fore shore, and made no use of.

1701. And is of no use for the purposes of the navigation?—Of no use.

1702. I was directing your attention to the new river Hull, that is to be made on Mr. Rendel's plan; your sloops at present go into the old harbour?—Yes.

1703. To get cargoes, and so on?—Yes, and discharge.

1704. And picking up their cargoes at the warehouses and staiths?—Yes.

1705. Where do you suppose the sloops are to go, in case Mr. Rendel's dock is made?—Come behind the breakwater that comes out in front of the old harbour, which is to be made a dock, and go through there as far as the opening into the new harbour.

1706. Then do I understand you to say, that your sloops are always to go into the docks?—There will be very little doing in the new harbour; they will do very little till they come above the North-bridge, and then they have business there sometimes.

1707. What do you call the new harbour?—The new cut.

1708. You are to carry your sloops into the dock?—Yes, into the old harbour dock.

1709. And

*Mr. J. Walker.*

20 June 1840.

1709. And you suppose there will be very little doing in the new cut?—Yes, for our craft.

1710. For what craft will there be much doing?—It will be navigable up to Beverley.

1711. It will be used by the Beverley trade?—Yes.

1712. *Committee.*] You mean the whole navigation of the river above Hull?—Yes.

1713. *Mr. Austin.*] Why would it be inconvenient for the purposes of your sloops?—There is no trade in that way till we come into the old harbour again; this new harbour goes between Salthouse-lane and the new staith; there is a canal out of the new harbour into the old harbour.

1714. There would be no Hull trade doing in that cut?—No, I do not see the use of it; they come into the old harbour that is to be made into a dock, and go into the open new cut.

1715. Then if I understand you correctly, there will be nothing doing in the new cut till you come up to Salthouse-lane?—Not for goods for me that I know of at the present time.

1716. What do you mean by that; you say at present?—Yes.

1717. What do you mean?—There is no trade in the new cut till you come into the old one.

1718. That trade is in consequence of the warehouses being there?—Yes.

1719. And the staiths?—Yes.

1720. I think you say there would be some trade doing above Salthouse-lane in the old harbour?—Yes, it gets into the old channel.

1721. There would be trade, because it comes into the old channel?—Yes, there are warehouses there.

1722. Your sloops pick up their cargoes from warehouse to warehouse?—Yes.

1723. They get their cargoes at the warehouses in the old harbour?—Yes, chiefly.

1724. They come above Salthouse-lane?—Yes.

1725. And above the North-bridge?—Yes.

1726. Would not this happen, that your sloops would have, as now, to pick up their cargoes from the warehouses in the old docks, and from Salthouse-lane above the North-bridge?—Yes.

1727. For that purpose would they not have to lock out and in of the new dock?—Yes.

1728. What would they do when the tide was out?—They would be forced to wait, as they do at the present time; they would have to wait while they penned in and out.

1729. They would be subject to the same inconvenience they are now?—Above there.

1730. The proposed dock would not remedy that inconvenience?—I should say above the North-bridge the river is all navigable.

1731. You prefer that?—Yes.

1732. Are you not clearly of opinion that is the right plan to go above the North-bridge?—Yes, I am.

1733. By that means you would avoid the inconvenience I have been describing to you?—Yes.

1734. How high above the North-bridge would you carry the dock?—It depends upon the engineer; I cannot say that.

1735. You are giving us your opinion?—You may carry it as far as Stone Ferry.

1736. *Committee.*] How far is that?—Two miles.

1737. Is it two miles above the bridge?—Yes.

1738. *Mr. Austin.*] I ask you this, because your opinion is valuable; you could not complete all the trade carried on by your sloops even if you got up to Stone Ferry?—We could get it all up there.

1739. You could not the whole of it?—I could get a part in the harbour.

1740. You could not get the whole?—No; this does not take in the old dock.

1741. Then your notion of the thing is this, that in order to accommodate the sloop trade you should take in the old harbour, and extend the new dock up to Stone Ferry?—Yes; and then you could work it out at all times of the tide.

1742. There may be some little difficulties in that; how would you propose to get the Beverley trade down into the Humber?—Through the new cut.



*Mr. J. Walker.*

20 June 1840.

1743. You would have a new cut to get down to the Humber and to the county of York?—Yes.

1744. Do you not believe if that could be done, it would be a better plan than the one before you?—Keeping the dock where it is, it would be better for the trade.

1745. What would you do with the graving docks, in your plan?—That I cannot give an answer to.

1746. *Committee.*] What is the distance from the North-bridge to the mouth of the river Hull?—Something better than a quarter of a mile.

1747. Supposing your plan is carried into execution and there is a dock at Stone Ferry, how long would that dock be?—Two miles and a half.

1748. As you do not approve of Mr. Walker's plan compared with Mr. Rendel's, suppose Mr. Walker's plan should be carried into execution, do you or not think it would afford great convenience to the trade of the town?—Yes; but I would have the channel cut above the bridge, the same as the other.

1749. Do you or not think it would afford great convenience to the town?—Yes; but I approve of this as more convenient.

1750. *Mr. Reynolds.*] Your name is Walker?—Yes.

1751. You are not the engineer of that name?—No.

1752. I think you have got the two plans before you; have you got Mr. Walker's plan and Mr. Rendel's?—Yes.

1753. Do you see the communication made between Mr. Walker's plan and the harbour?—Yes.

1754. When you are coming out of Mr. Walker's new dock with your sloops into the old dock and have locked through the communication into the old harbour, what must you do?—You must wait till the flood comes.

1755. That is what you must do with Mr. Rendel's plan?—Yes.

1756. The plans are alike in that respect?—Yes.

1757. If Mr. Rendel's dock is carried up a little higher, so as to make a communication between the proposed dock and the old dock, all that inconvenience would be removed?—Yes; you could work all the day, and bring the water upon a level.

1758. You see that Mr. Walker's plan is upon the east side of the harbour?—Yes.

1759. Is it possible for Mr. Walker's plan to lock into the old dock without interrupting the course of the river Hull?—Not without carrying it up in the same way.

1760. If Mr. Walker wishes to lock into the old dock, he must stop the passage of the Hull and turn it into a dock?—Yes, he must.

1761. You tell us your business consists in going from staith to staith with your sloops, and getting cargoes for the sloops?—Yes.

1762. Will it be easier to do it with that portion of the river Hull made into a dock than without it; would it be more convenient to do it with the plan of Mr. Rendel, where you have the floating water in a part of the harbour?—Yes, much gainer.

1763. Do you know whether any of the coasting-trade is leaving the harbour?—Yes, and going into the dock.

1764. What is the reason of that?—They can float in the docks.

1765. If the harbour is turned into a dock, they can float and do their business there?—Yes, equally the same.

1766. Now you say the new cut will not be very useful at present, because there is not much trade there?—No.

1767. Do you know of any trade upon Mr. Raikes's land?—No.

1768. There will be no occasion for a dock there, because there is no trade there?—There will be in time.

1769. Will there be any trade in the new cut?—Yes, in time, if warehouses are built.

1770. That is exactly the same in Mr. Raikes's land, if the dock is made and warehouses are built, there will be trade there?—Yes, in time.

1771. With respect to the Beverley and Driffield trade, they will be able to go up this new cut as well as the old one?—Yes.

1772. And they will not be exposed to injury from stones at the bottom of it?—No, not so much, because the Hull harbour will be in a dock if you choose to go into it, and there are no ingredients coming down from the warehouses.

1773. What warehouses are you speaking of?—Several of them.

1774. In

Mr. J. Walker.

20 June 1840.

1774. In Wincom-lee?—Yes.
1775. Where is Wincom-lee?—Up the river Hull.
1776. Is it above the bridge?—Yes.
1777. You say there are now ingredients coming from those warehouses into the harbour?—Yes.
1778. The Beverley trade will go up the new channel?—Yes.
1779. And the Driffeld trade can go up it also?—Yes.
1780. It is quite clear it affords the means for the trade going in that direction?—Yes.
1781. Is that trade tolerable?—Yes.
1782. And must be provided for?—Yes.
1783. Now we will get back along with my learned friend into the mud-boats; I think you told us a little while ago, that if those mud-boats had not been so heavily loaded, they could have laid with safety in the harbour till the passage was cleared, and then have taken the mud out into the Humber?—Yes.
1784. Have you seen them sometimes go round by the Junction Dock from the old dock?—No, they go out of the Junction Dock into the Humber Dock, but not from the old dock into the Humber Dock.
1785. Have you never seen them go that way from the old dock?—No.
1786. You say that this land in the front of the garrison is of no use now?—No, it is not made any use of.
1787. I believe it is a great part of it under water at high tide?—Yes.
1788. And the ships and barges sometimes sail over it?—They come as close as they can on account of the harbour.
1789. Do they come sometimes within 200 yards of the shore?—Yes, they do.
1790. You told us yesterday, you thought from that plan of Mr. Walker, that his project was about the length of a ship of 500 tons; you see what I mean?—That is past the low-water mark.
1791. You find it passes the low-water mark?—Yes, it is drawn here so; but I cannot give the distance.
1792. Supposing, instead of being merely the length of a ship, it is upwards of 230 or 240 yards, would it be in the way in which ships occasionally navigate now?—No, not under way; if you want to go into the Humber Dock, there is deep water for them.
1793. Do they never come within 200 yards of that place?—No, not at low-water.
1794. At high-water?—They come within the soundings; I do not know what the flat is.
1795. Do you ever see barges in as close as that?—Yes.
1796. And small craft?—Yes.
1797. Supposing the projection to be 240 yards from the shore, would it be in the way as the barges sometimes now navigate?—At times it would be the means of their not getting into the harbour; it would set them out into the tide.
1798. You told us yesterday something about what my learned friend Mr. Austin called a dancing cranch; you told us that the cranch shifted?—Yes, a little at times.
1799. Does that cranch consist of two parts; a solid firm bottom and a loose gravelly surface?—It is part of it little chequers and rubbish out of the harbour scoured down by the strength of the ebb.
1800. Is the top part of it so far loose that the tide can move it about like shingle?—It is solid at the bottom, and with strong freshes down the river it will scour a little way at the edges, sometimes to the east and sometimes to the west.
1801. Is that the part washed back again by the tide or the wind?—It sometimes comes back again, but it is impossible to say where it goes to, and there is more comes down the harbour.
1802. It is not a dancing cranch?—No.
1803. *Committee.*] You have said that the old harbour you have seen sometimes thronged with sloops?—Yes, and shipping together.
1804. Is not increased dock accommodation wanted at Hull for steamers and large vessels?—Yes, according to your plan here.
1805. If steamers and large vessels are lying in that new dock of Mr. Rendel's, would it not impede your sloops in getting from warehouse to warehouse to take in their cargoes?—I do not see that Mr. Rendel is making a steam dock of it.
1806. You do not understand that the old harbour is to hold the steamers or

Mr. J. Walker.

20 June 1840.

large vessels upon Mr. Rendel's plan when made a dock?—I do not see any occasion for small steamers to go in; large vessels may go in.

1807. If there are many large vessels lying in the old harbour when made into a dock by Mr. Rendel, would it not impede your sloops in going from warehouse to warehouse?—They would lie afloat and we could shift about.

1808. Have you any inconvenience from the number of ships in the old harbour?—Yes.

1809. If the proposed dock was as full, would you have equal inconvenience?—This dock, if it was made, would relieve the harbour by the removal of the lumber vessels.

1810. You think any dock to be made is desirable; but what we are speaking of is the other dock?—Yes.

1811. Do you consider that Mr. Rendel's dock is as well adapted for the lumber trade as Mr. Walker's?—It depends upon what shore there is; I do not understand the distance.

1812. You see the two plans before you?—Yes; in consequence of the shipping coming in at the back of the breakwater to go in there to the old harbour, it seems to be a convenient way from the old harbour dock to the new dock, if it is made.

1813. The new dock in front of the citadel is not the dock upon which you are being questioned at all?—Very well.

1814. Look at Mr. Walker's plan; supposing that very extensive quays are made round that dock of Mr. Walker's, which do you consider would be the most convenient dock for the lumber trade and the timber trade, Mr. Rendel's or Mr. Walker's dock?—Mr. Rendel's; because it is so much nearer the town for business.

1815. If the lumber trade is to be carried into the old harbour, formed into a dock, and carried up to these warehouses, that, you think, would be more advantageous to Hull than having them carried further to the eastward?—Yes, I do.

1816. Must not the warehouses employed in your trade be placed somewhere else?—There would be warehouses on both sides of the harbour then.

1817. Both sides of what harbour?—The present old harbour made into a dock, which there is room for.

1818. Do you think there would be sufficient room for the warehouses necessary for your trade in the old harbour, and additional accommodation for the timber if the timber was carried into the old harbour, formed into a dock?—We have at present some of the timber along there; they discharge into the Humber Dock and the Junction Dock, and bring them round to the old dock, and we are obliged to work upon the flood-tide and work alongside the lower warehouses for the goods.

1819. We are not talking what there is now, we are wanting to give increased accommodation; what power have you for giving increased accommodation to the lumber trade by the side of the old harbour, supposing your warehouses to remain for your present trade?—If we made the new harbour, it would make the places very convenient, and above bridge there is plenty of room there.

1820. Above what bridge?—Above the North-bridge.

1821. You say, with regard to the old harbour, that ingredients come down from the warehouses at Wincom-lee; would not the same ingredients come down into the new cut?—It would now, at the present time, if you make the plan as it is drawn there.

1822. It would not if you carried it up to Stone Ferry?—Yes.

1823. But as it is now, ingredients from Wincom-lee would come into the new cut as it does now into the old?—It would come no further than this now; it would come down the new channel.

1824. Supposing Mr. Rendel's plan made as you have got it there, where do you think most of the timber trade would go to?—I should expect into the present new-made dock.

1825. If that dock is made just as Mr. Rendel has put it down there, will the timber trade go where it does now, or somewhere else?—The main part of it will go into the harbour; the ships would lie afloat.

1826. Where will they stow their timber?—Where they do now, in the yards there.

1827. There will not be much gained?—Yes, there will; the ships have to discharge it in the old dock, and it is rafted round into the harbour; the owners of the vessels will not let them lie aground.

1828. You see the proposed dock by Mr. Rendel, where the old harbour is; what

what class of ships do you think will principally occupy it if it is carried into effect?—The coasting trade would chiefly stay in it, for one thing, and the East country trade and the American trade.

*Mr. J. Walker.*

26 June 1846.

1829. You are concerned in the coasting trade and East country trade?—No, in the coasting trade.

1830. You consider that this proposed new dock will be extremely convenient to those engaged in the coasting trade?—It will.

1831. And it will be to the coasting trade that the chief benefit will arise from the proposed new dock, according to Mr. Rendel's plan?—Yes.

1832. Did I understand your answer, that your not having any inconvenience in the proposed dock for the large ships arose from the increased accommodation, and making the docks hold more of the large ships, and thereby making the harbour less inconvenient?—Yes.

1833. Suppose the trade was to increase very much, and the large dock got full of ships?—They must come into the harbour dock.

1834. Suppose the trade was to increase in large ships and all those docks were very full, what would you do with the small coasters?—We should find it better by their being afloat; we could shift about.

1835. Do you think if the proposed dock was made, it would be more convenient to you to take in your cargoes?—Yes.

1836. Do you think the Dock Company could put the mud which they threw into the middle of the Humber into any less inconvenient place?—They could take it on to the Lincolnshire side.

1837. You think it would not have a tendency to return into the mouth of the harbour again so much?—No.

1838. Why?—It is more in the set of the tide.

1839. Which way does the tide set?—Up and down.

1840. What direction?—East and west.

1841. Is there any particular current setting into the old harbour?—There is a draw-in like all other harbours.

1842. You spoke about this jetty of Mr. Walker's impeding the progress of the small craft coming into the old harbour; do you mean to say it would do so when under canvas?—No, not at all.

1843. Not with the wind on a taut bow-line?—They are under way then.

1844. What would be the inconvenience?—The inconvenience is when it is nearly calm; with the wind away to the northward they must keep clear of that jetty, and then fetch in again to get into the harbour.

1845. How do they get in at present?—They keep as close as they can to the fore shore.

1846. When there is no wind?—They get in with boats.

1847. Are they poled in?—Yes.

1848. Just explain the inconvenience?—They can come in below the present dock; when vessels are coming along with a light wind they will get as close as they can to the fore shore; if this is made they must go out; the tide rather sets out; then the distance of that between that and the old harbour, they will have a strong pull to get in again if there is any wind, the tide sets in so strong.

1849. Where does the tide set; does it set in this part at all which the new basin will obstruct?—It sets right along the shore, and the further out the further the strength of the tide.

1850. The only difference will be the difference of the strength of the tide?—Yes, and with a breeze of wind.

1851. With a breeze of wind, however much the wind is against you, there will be no difference, as the only difference is the current?—Yes, and a light wind.

1852. Explain that?—At times it is nearly calm, and they pull in with boats.

1853. If they pulled in with boats; if they kept out a little more, they would not have much further to pull in?—With a strong tide.

1854. The difference is the difference of current in shore; the difference of current out in the middle of the stream?—Yes.

1855. That is the difference you mean?—Yes.

1856. What difference is there between the current under the fore shore, and the current just outside of the jetty of 220 yards?—Yes, there is a little; the further you go out, the stronger the current is.

1857. Is it stronger at that part than in shore?—Yes.

1858. Much?—No, a little.

Mr. J. Walker.

20 June 1840.

1859. Is it a quarter of a knot?—It may be that; I cannot say positively.
1860. You would throw the mud more on the Lincolnshire side of the Humber; do you not know there are shoals and sand-banks on the Lincolnshire side of the Humber?—Yes.
1861. Do you not suppose that this mud is thrown down under the direction of the pilot commissioners?—Most likely it is.
1862. Who are the conservators of the river?—I do not know indeed.
1863. If sloops and small vessels hug these piers closely to avoid the current, will they be liable to run against them?—No; they must bring up their own-selves if they do that; it would be their own neglect to do that; they can bring up with their anchors.
1864. I understood you to say, that the land in the front of the citadel is of no use to the navigation?—The tide flows and ebbs on it.
1865. You do not know that it is of any use?—Not at present.
1866. On part of that land the projecting basin of Mr. Walker is built?—Yes; it is just in front of it.
1867. You are looking at Mr. Rendel's plan?—Yes.
1868. Do you consider that that piece of land, in front of the citadel, is of no considerable use to the navigation?—We come in as close as we dare come.
1869. Do you consider it of material use to the navigation?—Yes, it is; because we generally have to go below the harbour to get in, or we should come foul of the harbour by the west pier.
1870. I understand you to say that it is not of much use?—It is useful to navigate a vessel on.
1871. Just look at Mr. Rendel's plan; supposing that addition is not made, there will be a great pier out at the mouth of the harbour, on both sides of the new cut?—Yes.
1872. That would have exactly the same effect as the basin, in driving you off shore?—You would not have to come in here; you would have to come in at this new dock basin.
1873. You see these piers in Mr. Rendel's plan?—Yes.
1874. Look at the same projection in the other plan; do you think that projection will make more obstruction than the other?—Vessels coming up would want to go further up, to get into the harbour.
1875. In which plan?—Mr. Rendel's plan.
1876. Just explain?—You have made a pier here for large packets to go to; here is the entrance apparently into the harbour out of that; from that it goes into the harbour dock; here we shall have to come past there and go into the harbour.
1877. You think the breakwater will be a protection?—Yes, a great one.
1878. You stated yesterday, you are servant to Mr. Henry Smith, of Gainsborough?—Yes, at the present time.
1879. He has a large trade at Hull?—Steamers and sailing vessels.
1880. From Gainsborough?—Yes; Gainsborough to Hull.
1881. You mentioned that you used a steamer to tow the vessels from the harbour round to the Humber Dock?—Yes, we do, occasionally; when we go out of the harbour, we take on a steamer and put her into the new dock basin; that is not always done; sometimes we use a man to assist round.
1882. Look at these two plans, Mr. Walker's plan and Mr. Rendel's plan; you see on Mr. Rendel's plan, opposite the citadel, what is marked "Additional dock when required;" and on Mr. Walker's plan, "Site for proposed timber ponds;" putting those out of the question, as they are only both "proposed," which should you say, looking at those two plans, would give most accommodation to the lumber trade?—I prefer Mr. Rendel's plan for a lumber dock.
1883. Mr. Austin.] Do you understand the question, putting them both out of consideration?—Yes.
1884. Committee.] Do you mean there is more accommodation?—It is more convenient to get into the harbour dock, to convey timber and goods up to the warehouses in the harbour, than there is in the other plan.
1885. You seem to think whatever they do, the timber trade will go on in its own way; you do not look to any great change in it?—The additional dock would be useful for us.
1886. I think now the steamers lie in what is marked in Mr. Rendel's plan as a basin

a basin next the Humber Dock?—Yes, the small class lie in the basin sometimes.

1887. And generally ashore at low tide?—Yes, aground.

1888. I do not quite understand from your former answer, whether the whole of the timber trade is carried on now in the old harbour, or whether there is some carried on there, and some in the old dock?—Some in the old dock and some in the Humber Dock.

1889. Where is there the most, in the Humber Dock or in the old harbour?—There is a great deal carried on in the old harbour; the dock side is the principal one in which it is carried on.

1890. Do you know why they carry on the trade in the old harbour, where the vessels must lie ashore at low tide instead of carrying the whole of the timber trade to the other docks, where they lie afloat?—There is good yard room on the garrison side.

1891. Is the timber that is in the harbour, that is, laid up in the old harbour, taken first into the old dock, and afterwards towed round into the old harbour?—The timber is chiefly taken out in the old dock and rafted round into the harbour.

1892. Do you apprehend if the harbour is made into a dock, that vessels would go into the harbour instead of going into the Humber Dock, the Junction, and the old dock?—They would go into the dock, where they would lie afloat and save expense.

1893. Looking at Mr. Walker's plan, what is your principal objection to the basin of the proposed dock?—The dock is getting so far from the town as it is here.

1894. I think you stated a short time ago, in answer to a question with reference to the new channel for the river Hull, that if warehouses were built there some trade might come there?—Yes; but as for trade at the present up there, there is very little in the new channel; it may in time increase like all others, but that I can say nothing about.

1895. There is not much trade carrying on at that part of the town to the north coast of Mr. Walker's proposed docks?—No, not to the eastward of the citadel; there is no trade there.

1896. Do you not think if this site for the proposed timber ponds in Mr. Walker's plan was adopted, that it would be a much better place for the timber to remain than where it is now placed in the old harbour?—Yes; but it would be very inconvenient to get to it at times; you would make a channel through the old dock into the old harbour from the new-made dock of Mr. Walker, in the present state it is in.

1897. If the proposed dock on Mr. Walker's plan is much crowded with vessels, there would be a difficulty in getting the timber from the pond into the proposed dock?—No, not at flood tide.

[The Witness withdrew.]

Mr. Samuel Walton was called in; and Examined by Mr. Reynolds, as follows:

1898. I BELIEVE you were formerly master of a sloop?—Yes.

Mr. S. Walton.

1899. You were afterwards a sloop-broker, and you are now foreman of a wharf?—Yes, in the old harbour.

1900. As master of a sloop, you have had considerable experience in the navigation of the Humber and the old harbour?—Yes.

1901. And up the river Ouse and the Trent?—Not much up the Trent, but the Ouse.

1902. As a sloop-broker, what was your business?—Procuring cargoes for the Aire and Calder vessels.

1903. In procuring cargoes, do you procure them at several different places to make up the cargoes?—Yes.

1904. Your sloops have first to proceed to one wharf to take part of their cargoes, and then go to another till they are loaded?—Yes.

1905. Those cargoes may be in the old harbour or in the Junction Dock, or the old dock or the Humber Dock?—All over them.

1906. Are you impeded in the course of your business by the circumstance of the harbour being a tidal harbour?—Yes.

1907. Does that delay you in taking in your cargoes?—Yes.

1908. By vessels taking the ground?—Yes.

1909. If that harbour was converted into a floating dock, so that you had float-

Mr. S. Walsh.

29 June 1846.

ing water at all times, would that make your business quicker and easier?—Yes, we could work at all times.

1910. Without reference to the state of the tide?—Yes.

1911. If in addition to that, you had a communication from that dock to the old dock, would that make it still more convenient to do your business?—Yes, it would.

1912. Do you know any thing of the general coasting trade of the port?—Yes.

1913. Is any part of the coasting trade carried on in the harbour?—Very little at present.

1914. What do you mean by “the coasting trade?”—The trade to the northward and southward, as far as Aberdeen and Dundee, and all those places; and then to the southward, Yarmouth, London and all along the coast of England, north and south.

1915. What is the river trade?—The river trade is to Leeds, Wakefield, Halifax, Manchester and all places adjacent.

1916. You say there is not much carried on in the harbour now; was there formerly much carried on?—Yes.

1917. Why has it left it?—I cannot form any other reason, but by the harbour being in a bad state; and in the docks they can work at all times.

1918. Have they gone into the docks?—Yes, most of them.

1919. What trade in particular has gone into the docks principally?—Leith, Dundee and Aberdeen, and the coasting trade in general.

1920. Has the river trade left it?—Part of it has left it.

1921. If the harbour was turned into a floating-dock, do you think that trade would come back again?—Undoubtedly it would; because they can work there at all times.

1922. Do you know whether the vessels that go into the harbour and do not go into the docks, pay dock dues?—I do not know that; I was never in a coasting vessel, and never paid any; for that reason I do not know.

1923. When your vessels have to take part of their cargoes in the Humber Dock and part of their cargoes in the harbour, what is the course of navigation of the partly loaded small craft or sloop from the Humber Dock to the harbour?—In general through the docks; it depends upon what part of the docks they are in.

1924. I am supposing you are taking a cargo at the centre of the Humber Dock, at the sheds, and have some more to take in in the harbour?—I should come round by the old harbour.

1925. By south end?—No, by north end, below North-bridge.

1926. I suppose your vessel is in the Humber Dock, and you want to get into the old harbour?—It depends upon the state of the weather; whether it is blowing hard, or moderate weather.

1927. If it is blowing hard, which way should you go?—Round the old dock; it is not safe to go the other way when blowing hard.

1928. How do you get to the old harbour; would you go through the Junction Dock?—Yes.

1929. And from the old dock into the harbour?—Yes.

1930. If the weather was moderate, you would go out into the Humber at south end, and so into the harbour?—Yes.

1931. Is that the shorter way?—Yes, it is.

1932. Why would you not go that way at all times?—They could not go that way at all times; they cannot at all times get out of the Humber.

1933. Why not?—Owing to its blowing in shore.

1934. With a strong wind from the south-west, would you venture out then?—No, they could not get out.

1935. Are those winds very prevalent?—Yes.

1936. Suppose that part at south end was sheltered by a great breakwater, could you come out then?—Yes.

1937. Is the south-west wind a very prevalent wind in the summer?—Yes; no, in the winter it is.

1938. And blows strong?—Yes.

1939. You do not consider that navigation very safe in rough weather?—No, it cannot be navigated in rough weather.

1940. How are your small craft navigated; how do you work them?—Some-  
times

times by lines and sometimes by what we call stores or long poles, whichever you please to call them.

Mr. S. Walton.

20 June 1840.

1941. Can you do that in rough weather?—No, we cannot use the poles in rough weather, but must go south end away.

1942. Suppose you had to go to a dock half a mile to the eastward of the mouth of the harbour to take in part of a cargo, what sort of a voyage would that be?—It would depend upon the weather.

1943. In ordinary weather what would it be?—We must lie still till the weather was moderate.

1944. Would it be a longer or a shorter voyage than the other by the old harbour?—No, the distance is shorter.

1945. I ask you whether the distance from the old harbour to a dock half a mile to the eastward is longer or shorter than the distance from the old harbour to the Humber Dock basin?—The distance from the old harbour to the Humber Dock basin is the shortest.

1946. It is not half a mile?—No, nor a quarter.

1947. Is the other the most dangerous voyage of the two?—Yes; you are longer exposed to the sea, and longer in the river Humber.

1948. How would you be obliged to navigate in that direction; could you do it by lines?—No, you must get the vessel under way, under canvas.

1949. Suppose the wind was from the northward, off shore, and you got her under way, would you be liable to get out into the Humber?—That we must take care of; if we are likely to go off shore we must let go an anchor; that would depend upon the tide, whether it is ebb or flood.

1950. You would be in danger of being blown off the shore?—Yes, at times.

1951. Unless you let go your anchor?—Yes, at times.

1952. How long have you known the harbour?—Above 40 years.

1953. In what state is it now?—A very bad state.

1954. In what respect is it in a bad state?—For want of cleansing.

1955. Have you ever seen any body cleanse it?—No.

1956. Not in all that period of 40 years?—No, I never saw it cleansed; only in the docks along the quays, for the accommodation of the vessels lying in the docks close to the quays; every wharfinger cleanses his own dock.

1957. What do you mean by his own dock?—The length of the frontage of his wharf.

1958. What is the ground at the bottom of the river in front of his wharf; is it mud, or what?—The top is mud and the bottom is stone.

1959. When a vessel lies there, does she make a berth for herself?—Yes.

1960. Is that what you mean by a dock?—Yes; the wharfingers, when the quays were made, made a dock first; then the mud lies upon the stone; when it is cleansed they heave the mud on to the quay, on to the outer part, and then they make a berth for themselves.

1961. Have you ever seen any body throw any thing into the harbour?—Yes.

1962. Have you ever seen any mud thrown in?—Yes.

1963. Who have you seen throw it in?—Out of the Dock Company's lighters.

1964. Do you mean their mud-lighters?—Yes.

1965. Have you seen that often?—Yes.

1966. Can you tell how often?—A great many times, when the harbour was thronged.

1967. How many boats have you seen emptied at the same time?—Five and four; it depended how they got them loaded; sometimes four, sometimes five, and sometimes three.

1968. Do you mean to say you have seen all those numbers?—Yes.

1969. You are quite sure of that?—Yes.

1970. At different times?—Yes.

1971. What do those boats carry; what is the tonnage?—About 50 tons each.

1972. Were they tolerably well filled?—Yes, they are filled level with the top.

1973. Have you seen that since the Junction Dock was opened?—No.

1974. Where was this mud brought from?—Out of the old dock.

1975. You have said they did this when the harbour was thronged?—Yes.

1976. Could they have waited in the harbour till it was less thronged?—Yes, they could, if they thought proper.



Mr. S. Walton.

20 June 1840.

1977. It was more convenient to discharge their cargo and get back again?—Yes, to get more.
1978. When this mud has been thrown into the river, can you form any guess what became of it?—I can form no idea; but it goes into the Humber by the strength of the river.
1979. Is there any thing at the mouth of the river to stop it?—Nothing but the cranch.
1980. What is the cranch?—It consists of gravel.
1981. And the mud, you say, flows towards it?—It is muddy at the top, and the lower part is gravel.
1982. You told me the mud flows towards the Humber till it is stopped by the cranch?—Yes.
1983. This cranch runs across the mouth of the Hull?—Yes; there is only width for a passage on each side.
1984. On which side is it?—The passage on the east side, and the cranch on the west side; the water passage is on the east.
1985. When you follow the stream, the cranch lies between you and the shore?—Yes; and the flow of the water drives the mud by the end of the cranch, and part of it lies upon the lower part of the cranch.
1986. What does the cranch consist of at the bottom?—Gravel.
1987. Is it hard?—Yes.
1988. At the top what is it?—It is a loose kind of gravel, but the vessels lying aground it keeps upon the move at the top of it, but the lower part is solid.
1989. Vessels lie aground there sometimes?—Yes; the tide makes it boil under them; it makes the top go backwards and forwards by the boiling of the water under the vessel's bottom.
1990. And the vessels sometimes lie upon it?—Yes, sometimes till the time of flood.
1991. The water rushing by them passes under them, and that makes the cranch boil?—Yes, it makes the top of the cranch move.
1992. Does that give the surface of the cranch the appearance of shifting?—Yes; the top part shifts, but the bottom does not; the lower part is laid in hard.
1993. Opposite what part of the shore does the cranch begin?—At the upper part of the Ferry Dock jetty, and it extends just to the mouth of the harbour; there is only space for the drainage to run down the river Hull the end of the cranch.
1994. Has any part of that cranch been removed lately?—Yes, the upper part of it.
1995. The part near the Humber Dock basin?—Yes.
1996. Has the lower part been moved?—I never saw it meddled with.
1997. Does the lower part bear at the spring ebbs?—Yes, it does; but at neap ebbs it does not bear; the spring ebbs fall lower off by five or six feet than what the neap ebbs do, and then it causes the cranch to bear.
1998. You say that is the case now; was it otherwise two months ago?—No.
1999. Has it been the same for any length of time?—Yes; they have removed the upper part of the cranch, but not the lower part, that I have seen.
2000. The upper part is near the Humber Dock basin, and the lower part near the harbour?—Yes.
2001. How long have you known the harbour?—Upwards of 40 years.
2002. Do you mean the Dock Company's servants have removed it?—Yes.
2003. When did you first see the Dock Company's servants remove any part of the cranch?—They have been at work at the upper part of it for the last two or three months.
2004. Before this removal, you speak of, began, did the cranch then bear at neap tides?—No.
2005. Did it bear at the spring tide ebbs?—Yes; about half-way up to the Ferry-boat Dock it bears.
2006. Then as far as you know the state of the lower part, the cranch is the same as it was before the Dock Company began to remove it?—Yes; they have not removed it, at least in my sight.
2007. You have known this harbour for 40 years?—Yes.
2008. Is there a dolphin there?—There are two at present; there was only one when I first knew it.
2009. What is a dolphin?—There is a post in the middle, and it is inclosed round

round by other posts, and this post in the middle is the post to make the rope fast to, and the others support it; it is for the vessels to warp into the river Hull.

Mr. S. Walton.

2010. Whereabouts was the first dolphin?—The first dolphin stands where it always did, 40 years ago.

20 June 1840.

2011. Is it near the garrison jetty?—About 100 fathoms from the garrison jetty, the first dolphin.

2012. When you first knew the harbour, did you warp it by that?—Yes.

2013. Vessels coming in from sea?—Yes, both from the sea and from the river; that was the only thing there was to make fast to till they floated on the flood, and then they ran their next warp to the garrison jetty or south end; it depends upon whether the wind is to the southward or westward.

2014. What is their warp?—The warp is a rope.

2015. By which you draw your vessel in?—Yes; a warp is not a hawse.

2016. At that time, you say that all vessels coming from sea, and vessels coming from the river, fix their warp, first to that dolphin and then to the garrison jetty?—Yes, or to south-end jetty.

2017. What do they now?—They moor to the lower dolphin.

2018. There is a second dolphin?—Yes, and a buoy below it.

2019. How far is the lower dolphin from the inner one?—From 80 to 90 fathoms, more out to sea.

2020. Do vessels now come and warp to the first buoy?—They make fast to the first buoy now.

2021. The same as they did 40 years ago?—No; they cannot get to the first dolphin now while the tide flows.

2022. How far is the buoy from the second dolphin?—About 50 fathoms.

2023. Their course is first to make fast to the buoy?—Yes, and then to the second dolphin.

2024. Do they make fast to it as the tide rises?—Yes.

2025. They lie there till the tide rises still higher?—Yes; till they can get a boat to the next dolphin.

2026. Then they fix the rope to the second dolphin?—Yes; the dolphin next the shore.

2027. When they get fixed to the second dolphin, what do they do?—They run a rope either to the garrison jetty or south-end jetty; it depends whether the wind is to the southward or eastward.

2028. What is the reason they are obliged to have a second dolphin and a buoy?—On account of the eastern point lying up.

2029. Is there a quantity of mud about the eastern point?—Yes.

2030. Has it increased of late years?—It has increased there in the last 40 years from the inner dolphin.

2031. Has it had the effect of throwing the channel of the harbour more to the westward?—No; I cannot say it has altered the channel; it has gathered with mud, but the channel kept its course; it has never altered the course of the water.

2032. It has carried the entrance to the harbour further out?—Yes.

2033. At the time you first knew the harbour, 40 years ago, was the Humber Dock basin in existence?—No.

2034. Has this accumulation of mud, you speak of, to the east point, taken place since that basin was built?—No; part of it; partly since the basin was built, and partly before; it has always kept accumulating.

2035. We have heard something about towing loaded sloops and small craft with steamers?—It is very seldom done.

2036. Why?—Because they can only tow one at once.

2037. Is that more expensive than navigating her in the usual way with stores?—Yes.

2038. Can loaded lighters be towed by steamers?—Yes; one at a time, but not with safety.

2039. Why?—Because they go so fast; and they are so low they are likely to heave the water over their combings; and when they are moved by men they do not go so fast; it does not disturb the water.

2040. If the vessels were less heavily loaded, might they be towed then?—It depends upon the cargo whether they can or not; it depends upon whether the cargo be light or heavy; they must have them full.

2041. Why must they have them full?—It would not suit their purpose.

*Mr. S. Walton.*

20 June 1840.

2042. If they employed two lighters to do the work of one, that would not suit their purpose?—No.

2043. *Committee.*] It would be more expensive?—Yes.

2044. *Mr. Reynolds.*] Then the towing of these lighters by steam-boats is not a good thing for the trade?—It is not safe.

2045. Your present business is that of foreman of a wharf?—Yes.

2046. We are told that the wharfs in the harbour are not very wide; what is the width?—As near as I can tell, they are 24 or 25 feet from the warehouse to the edge of the quay.

2047. What is the chief business carried on in the harbour; is it hemp and flax?—Yes; and corn, and almost every thing.

2048. And seed?—Yes.

2049. And tallow?—Yes.

2050. All those goods require very large quay room?—No, not very large quay room; there is sufficient quay room for them.

2051. They require to be placed under cover as soon as possible?—Yes.

2052. Are they what you call perishable goods?—If they are perishable goods they must be placed under cover; if they are not perishable, it does not “mean” whether they are or not.

2053. Are there several timber-yards and ponds in the harbour now?—Two or three.

2054. Ponds?—Yes.

2055. Are there not timber-yards?—There are deal-yards; there are three timber ponds and a quantity of deal-yards.

2056. Supposing the harbour to be converted into a floating dock, would the vessels that bring timber and deals to that harbour find it more convenient to discharge them than they now do?—They discharge them into the docks now.

2057. How does it get to the yards?—It is rafted round.

2058. Are those rafts inconvenient to the trade in the harbour?—It is inconvenient to the trade in the dock.

2059. Are they inconvenient to the trade in the harbour?—Not so much as in the dock.

2060. If a vessel could come into the harbour with floating water, it would have no operation upon the discharge in the dock?—No.

2061. It would remove the inconvenience to the trade in the dock?—Yes, it would.

2062. Suppose a dock made to the eastward of the garrison, would that be as convenient as a dock in the harbour?—It would depend upon where the bonding ponds were and the yards.

2063. You have seen this plan of Mr. Walker's; suppose a dock made upon the marsh ground and without a timber pond at all?—Below the citadel?

2064. Yes; would that be a convenient dock; look at that plan before you; do you see the dock there proposed below the citadel?—Yes.

2065. You see the proposed timber pond?—Yes.

2066. Put that proposed timber pond out of your head altogether, as it is not to be made; would that proposed timber dock without the timber pond be a desirable dock for the trade of Hull, or would a dock in the harbour be a desirable dock for the trade of Hull?—A dock in the harbour.

2067. Is it desirable for the general trade that the dock should be near the trade or far from it?—The nearer the warehouses the better for the trade.

2068. And the nearer the present places of business for timber, is it better for the dock?—They cannot make a timber-yard to accommodate so near the water as what the warehouses are.

2069. For all the purposes of the trade of the town, in your opinion, and taken together, without reference to any particular trade taken by itself, where do you think would be the best place to make a dock?—Upon Mr. Raikes's ground, which is what we call the Dock-green, above the Humber Dock.

2070. Do you mean Mr. Raikes's ground or Mr. Broadley's ground?—Mr. Broadley's ground.

2071. *Committee.*] That is to the west of the town?—Yes; I was wrong there.

2072. *Mr. Reynolds.*] Why do you think it better?—Because they need not go out to sea; they could get out from one dock to the other without going out into the Humber.

2073. That

2073. That you say is the best place, Mr. Broadley's ground ; what do you say to the old harbour for a dock ?—The old harbour would suit very well for a dock, if it was made into a dock ; they could work at all times in it and pass out ; now they can only when the water is in it.

2074. Would that be the next best to Mr. Broadley's ?—Yes, I think so.

Cross-examined by Mr. *Austin*.

2075. You tell me that the coasting trade is leaving the harbour ?—Yes.

2076. Is not there a good deal of it still carried on there ?—Very little.

2077. Do you mean to say there is very little still carried on ?—Very little.

2078. Do you know Mr. Laverack ?—Yes.

2079. Is his business carried on in the harbour ?—Yes.

2080. Is it pretty extensive ?—Not very ; he has only the business of two vessels a week, one each way ; one sails from London the fore part of the week, and the other from Hull the latter part of the week.

2081. What is the tonnage of those vessels ?—Some 145, some 140, some 150 and some 170.

2082. How many are there ?—Six or seven, I believe.

2083. He has been just building another, I believe ?—Yes.

2084. A 200 ton ship ?—I think not.

2085. What is she ?—One hundred and sixty or 170.

2086. Messrs. Brownley & Pearson, do they not carry on their business there ?—Yes.

2087. Do they carry on a considerable business ?—Not so much as they did by a considerable deal.

2088. Do they now carry on a considerable business ?—There is a good deal that was carried on in the harbour that goes into the dock.

2089. Do they carry on a considerable business ?—Not so much as they did.

2090. Do they carry on a considerable business in the old harbour ?—Yes.

2091. Does Mr. Kenny carry on business there ?—Yes.

2092. Messrs. Holden & Simpson ?—They carry on the coasting trade in the dock.

2093. Do they carry on any business in the harbour ?—Yes, they do ; the river business, but not coastwise.

2094. Do you know Mr. John Smith ?—Yes.

2095. Does he carry on business in the old harbour ?—Yes.

2096. How much ?—Sometimes more and sometimes less ; there is a variation.

2097. Does he carry on much ?—Not very much.

2098. You have been asked a good deal as to the state of the harbour ; how long have you known it ?—Forty years.

2099. Did you know it before that time ?—Rather more than 40 years.

2100. You are acquainted with the cranch at the mouth of it ?—Yes.

2101. Have you observed the alterations in the channel in the course of those 40 years ?—The alterations of the channel of the river Hull ?

2102. Yes, the harbour ; have you observed them ?—Yes.

2103. I think you say that the cranch has shifted its place during the last 40 years ?—It does shift.

2104. Which way is its tendency to move, eastward or westward ?—Westward ; it shifts both westward and eastward at times.

2105. But, upon the whole, it moves to the westward ?—It moves both ways.

2106. According to your recollection, 40 years back, is it more to the westward than it formerly was ?—There is not much alteration in it.

2107. That does not accord with the last witness ; if I understand you, the cranch is pretty much where it was 40 years ago ?—It shifts higher up and lower down, the breadth of a vessel.

2108. Making allowance for the shifting, is it substantially where it was 40 years ago ; 40 years ago, on which side of the cranch was the channel ?—The same as it is now ; it was within the cranch 40 years ago ; on account of the break-water jetty not being there, the cranch laid nearer in shore ; I mean what we call the Ferry-boat Dock jetty.

2109. Forty years ago the cranch was much where it is ; where was the town channel, to the east or the west of the cranch ?—It was within the cranch.

2110. Is that to the east or to the west ?—Nearer to the town.

Mr. S. Walton.

20 June 1840.

2111. Was it to the west?—Yes.
2112. Was there ever a channel to the east?—Yes.
2113. When?—There has always been a channel to the east, or they could not get up and down the Humber.
2114. What was it used for?—To navigate vessels of all descriptions; that was without the cranch.
2115. Do you mean that vessels used the east channel; which way did they go?—Up and down the Humber.
2116. Do you mean to the Ouse and Trent?—Yes, to the southward of the cranch, both up the Ouse and Trent.
2117. I want to know the usual course of the navigation; was it down the old harbour and then by the east channel, and so towards the Ouse and Trent?—The course 40 years ago was to the westward of the cranch; there was a channel by the breakwater jetty; the channel was where the breakwater jetty is at present, and within that jetty it is all laid up now, and you cannot get in there now on account of making the jetty.
2118. The channel was on the west side 40 years ago?—Yes.
2119. And it is on the west side now?—There is a narrow channel between the breakwater jetty and the cranch, but it is only for small craft to go in; the large vessels stop till there is water over the cranch.
2120. There is always a channel to the east?—Yes, the narrow channel to the westward; the broad channel is to the eastward.
2121. Before we go to the east channel, what is it that has narrowed the west channel between the town and the cranch?—The reason is on account of making the jetty there.
2122. That is the town jetty?—Yes, what they call the breakwater jetty; the town jetty is within that; there is an opening between the breakwater jetty and the town jetty.
2123. Just see if the breakwater jetty is laid down in that plan?—Yes, it is.
2124. If you will turn to it to me, and put your finger upon it, I shall see it?—That is the Ferry-boat Dock.
2125. That is the town jetty?—No, it is within that; there is a passage between the Ferry-boat Dock and the town jetty.
2126. But it belongs to the corporation?—Yes.
2127. The west channel, if I understand you, was, 40 years ago, much wider than it is now?—Yes.
2128. There is still a west channel?—Yes.
2129. It is not so wide as it was?—No.
2130. Has it been narrowed by the formation of the town jetty?—By the breakwater jetty, not the town jetty.
2131. But, with the exception of that narrowing, is it as deep as it was?—Much the same.
2132. Therefore the alteration produced in the west channel is an alteration that has been produced by making the town jetty?—Yes.
2133. Now we will go over the cranch to the east; there has always been a passage to the east?—Yes.
2134. Are you of opinion that that channel is so deep as it was?—I can see no alteration.
2135. Is there as much water at ordinary tides as there always was?—Yes, where the cranch is.
2136. Never mind that, we will leave that now; there is as much water there as there was 40 years ago?—Yes.
2137. With regard to these two channels, no alteration has taken place in them, except by making the breakwater jetty?—No; that is more west, the channel is nearer the town.
2138. So that, as far as the navigation is concerned, there are the same conveniences to navigate the old harbour, except by the breakwater jetty?—Yes.
2139. You say that the cranch is composed of a substratum of gravel?—Yes.
2140. How do you know that; were you ever there?—Yes, I have been upon it at different times.
2141. Were you ever below?—No, I was not below.
2142. How do you know that it is made of this stuff?—I have felt it with my feet, and with a pole.
2143. The top is looser?—Yes, it is loose.

2144. The

Mr. S. Walton.

20 June 1840.

2144. The top is composed of rubbish and combustibles from the warehouses?—No, not combustibles, or it would blow it all away together.

2145. It is composed of rubbish, and things of that sort, from the warehouses along the old harbour?—Yes; and it comes down the river Hull; rubbish and different things that they heave in.

2146. Brought down by land-floods?—It comes down by the strength of the tide.

2147. And by land-floods?—No; it comes down the river Hull by the strength of the water that brings the rubbish to the end of the river.

2148. And by the freshes it is brought down?—Yes.

2149. I am right now?—Yes; when the freshes are strong they move the rubbish.

2150. There is no accumulation of mud upon the cranch?—At the neap ebbs there is a little; the spring ebbs wash it off.

2151. Has it been always so?—Yes.

2152. Have you seen the lighters at work at the cranch lately?—Yes.

2153. Do you happen to know the depth of water there now?—No; I know the lower part of it dries.

2154. What do you call the east part?—The east part is dry.

2155. It is dry at spring ebbs?—Yes, not the neap ebbs.

2156. Just look at that chart [*handing one to the Witness*]; are the dolphins laid down there; is that a pretty correct plan?—It is better to understand than the small one.

2157. Is it a correct one?—I have not observed it through.

2158. Does it accord with your knowledge of the place?—I will observe it as we go on.

2159. Just look at the cranch?—I have looked at it.

2160. Is it laid down in the place which it occupies?—Yes.

[*The Plan was handed to the Chairman.*]

2161. There is, I observe, upon this plan the breakwater jetty put in the middle of the west channel?—No, it lies where the channel was; but there is a narrow channel between the breakwater and the cranch.

2162. That is what I mean; it lies where it was formerly?—Yes.

2163. Now we are coming to the alteration that has been made in the cranch; you were saying some part of the cranch is bare at spring ebbs?—Yes, that is to the eastward; it is higher to the eastward.

2164. Do you know to what depth it has been taken away to the eastward?—I do not know; I do not know that there has been any taken away to the eastward; what has been taken away has been to the westward.

2165. Do you know what the depth of the sill of the Humber Dock is?—At all times; or do you mean the variation of it?

2166. At high-water?—It is 20 feet, sometimes 21, sometimes 16, sometimes 15.

2167. It depends upon the state of the tide?—It is to suit their convenience, according to the work they have to do.

2168. Taking the average spring tides, do you not know that it is 25 feet over the sill of the lock?—Yes.

2169. Assuming it to be 25 feet, what will be the depth of the average of the spring tides at the mouth of the harbour?—About 18 or 19 in the channel of the harbour.

2170. So that there is a good deal more water over the dock-sill than in the harbour; about six feet?—I do not know exactly.

2171. Seven feet, according to your calculation?—Yes; 18 and 7 are 25; I do not know to a foot.

2172. As you come here as a witness to depose to these matters, you can now inform the Committee to what depth the cranch on the western side has been dredged?—I cannot exactly say.

2173. Have you not tried?—It has been moved.

2174. Have you not been there to ascertain?—Yes; I have seen them get the gravel from the upper part of the cranch, from the west end of it.

2175. As you come here to give evidence upon the subject, have you not ascertained to what extent it is dredged?—No; I was not there to see the depth.

83.

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2176. Have

Mr. S. Walton.

20 June 1840.

2176. Have you not inquired?—No.
2177. Do you not know that they have deepened it so, that it is within nine inches of the depth of the sill of the dock?—No, that it is not.
2178. Will you undertake to say it is not so?—It is not so; no part of the cranch is so deep as the sill by four feet or more.
2179. At this moment?—Yes.
2180. Have you tried it?—No; I know it by calculation.
2181. What calculation?—By the height and by the sill.
2182. Did you make the calculation yourself?—I know it from the depth of the dock-sill, and the height of the cranch; it is that difference.
2183. For your own sake, I must warn you of what you are talking about; will you undertake to say that the cranch has not been dredged to within nine inches of the sill of the old Humber Dock?—No, it has not; nor they cannot dredge it so low.
2184. Very good; we will test your evidence by that; I am speaking of the west side of the cranch, where operations have been performing?—Yes.
2185. Do you know Francis Tadman?—I cannot say that I do personally.
2186. The corporation surveyor?—I cannot say I know him personally.
2187. Do you know that he is the surveyor to the corporation?—By name.
2188. Suppose that it is certified that the corporation, by taking the soundings, have ascertained the accurate depth of the cranch to be only nine inches above the sill of that dock; that on the 29th of May last, the soundings showed the accurate depth of the cranch to be nine inches above the sill of the Humber Dock; do you mean to say it is not correct?—I do not think that Mr. Tadman has ever been there to try it.
2189. Do you mean to say it is not correct?—I mean to say, according to my judgment, he has not been there to try.
2190. Do you know, as a matter of fact, that he has not been there; can you read?—Yes.
2191. Look at that [*handing a paper to the Witness*]; now tell me whether you will persist in that statement?—It appears to me that the sill is to be seven feet ten inches lower, and not nine inches.
2192. Look at the figures at the top?—If you will point it out to me, so that I can give an answer to it; there is No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8.
2193. Read it out; the heading?—“Soundings taken in the cranch in front of the Ferry-boat Dock or breakwater jetty, May 29, 1840.” I do not understand it yet.
2194. Mr. Serjeant *Merewether*.] You knew nothing of that paper before?—I never saw it before.

Mr. *Austin* proposed to put in the paper.

Mr. Serjeant *Merewether* objected to its being put in till Mr. Tadman was produced, and he had had an opportunity of cross-examining him upon it.

2195. Mr. *Austin*.] Are you in the habit of navigating the old harbour now?—Yes, sometimes.
2196. Have you been in a vessel through the western channel since the 29th of May?—No, I have not.
2197. You have not been through the western channel in a vessel, light or loaded, since the operations were formed upon the cranch?—No, I have not.
2198. *Committee*.] You said it was not within four feet of the sill of the dock?—As near as I can tell.
2199. Mr. *Austin*.] I ask you upon that, supposing it should be, according to your present statement, within four feet of the Humber Dock-sill, is it not a great deal deeper than it has ever been in the western channel in your time?—Yes.
2200. Have you ever known it as deep?—Yes.
2201. When?—Before the breakwater was there.

2202. Do

Mr. S. Walton.

20 June 1840.

2202. Do you know to whom the breakwater belongs?—I believe the corporation, but I am not positive.

2203. Do you know whether they take dues at the jetty?—I believe not.

2204. Do they take dues at any of the staiths in the harbour?—No.

2205. Do they take foreign dues there?—Not at the harbour side; they take them at the Customs.

2206. I am speaking of the corporation?—The corporation take no dues in the Humber Dock.

2207. I am speaking of the old harbour?—No, nor yet along the Ferry-boat Dock.

2208. You do not know what their dues for the jetty are?—No.

2209. You do not mean to say that they have none?—I never paid any; I do not know whether they charge any.

2210. Where are the timber-yards now?—In different parts of the town.

2211. Can you tell me somewhere, whereabout they are?—Two or three on the garrison side, and the rest chiefly above the North-bridge.

2212. Do you know whereabout they are on the garrison side, if you look on the plan?—Yes; they are near where the intended navigation is intended to come through the new dock, if it is made; there are only three ponds.

2213. Have you got the plan of Mr. Rendel's; have you ever seen such a thing?—I see it now.

2214. Have you ever seen it before?—No.

2215. Just look at the new channel to the eastward; the new channel for the river, would that occupy the space of some of those ponds?—No.

2216. Would it not?—No, it would be to the eastward of the ponds.

2217. Do look at it again?—I am looking at it.

2218. Do you mean to say that the new cut would not sweep through the three ponds?—No; there would be a canal through the ponds, but not a dock.

2219. It would go through the three ponds?—No, it would only go through two.

2220. Do you mean to say it would only go through two; pay a little attention to it, will you?—I cannot see that it would go through more than two [*a larger Plan was shown to the Witness*]; I do not think these ponds are correct in that map.

2221. Suppose it is correct, would the canal go through the three?—No, it would only go through two [*the Plan was explained to the Witness*]; I believe it will catch the three.

2222. If the canal were so carried, those three ponds would be destroyed altogether?—They would not all be destroyed, part of them would; they would only be destroyed where the canal went, and the rest would do to bond timber in which they do not occupy.

2223. How much of the timber trade of Hull goes up towards the Trent and Ouse?—I cannot say whether more would go up the Trent; a great deal goes up both rivers; a great deal goes through the port of Goole and up the river Dunn.

2224. Is not that the greater part of the timber trade of Hull?—Yes.

2225. Then, if I understand you, the greater part of the timber trade of Hull goes up to places west of the town?—Yes.

2226. Then, as compared with the timber trade of Hull itself, the great bulk of the trade goes to the west?—Yes.

2227. Does not eight-tenths or nine-tenths go to the westward?—I cannot tell so near as that.

2228. According to your observation, is not that about the thing?—No.

2229. How much?—About three parts out of four.

2230. Take that plan of Mr. Rendel's into your hand again; supposing the timber was in the proposed dock, it must go inside the first breakwater, and then through the locks into the dock?—Yes.

2231. And to get it out again, it would be thrown overboard in the dock, and then



*Mr. S. Walton.*

20 June 1840.

then taken out again?—Yes, taken out to the different yards when it gets through the docks.

2232. In rafts?—Yes.

2233. Would it be carried up in rafts or in bottoms?—Partly in rafts, but partly in vessels; ten cargoes in vessels to one in rafts.

2234. How much does a raft contain?—Sometimes 40 tons, sometimes 50 and sometimes 200.

2235. Does not it contain much more in vessels?—Yes.

2236. Now just turn to the other plan, Mr. Walker's plan; supposing the timber were carried into that proposed dock; in order to get it out for the western trade, you would simply come through those two docks and go out to the west?—It would have to go out to the Humber before it could get into the dock.

2237. It would come out of the Humber first of all a foreign vessel?—Do you mean, is foreign timber to be delivered out of the ship into the proposed dock?

2238. Yes; then you would make rafts of it, and take it out again?—Yes; if going to the westward, the vessels would go to load there.

2239. In that case, a great majority of the timber trade and three-fourths of the lumber trade would not go near the old harbour at all?—It depends upon circumstances whether it would or not; it is in the hands of different people; one has a yard here and another there.

2240. Supposing there are wharfs round the proposed dock, would it not be the best mode to put it out in the dock in the way I have described?—It would be the cheapest way to land it in the dock, if the ponds were there to take it in.

2241. If there was a pond where you see it described, you would put it there?—Yes.

2242. And then take it out of that into the Humber, and take it up the Trent?—Yes; if the weather was moderate it could get out in that way; if it was not, it could not.

2243. Just look at that large timber pond to the left; supposing that large timber pond to be made, and the vessels were taken into the dock, and the timber taken directly from the vessels into that timber pond, and floated from the dock into that timber pond, would not that be a more convenient timber pond than any existing in Hull?—Yes, it would, if the ship was in the dock.

2244. Having looked at the plan and having given me those answers, would not the plan you hold in your hand be a great convenience to the lumber trade of Hull, if carried into execution?—Yes.

Re-examined by *Mr. Reynolds.*

2245. You have told us about the corporation jetty; which was built first, the Humber Dock basin or the corporation jetty?—I believe the Humber Dock basin, but I am not positive.

2246. Has there any accumulation of mud taken place on the south side of the corporation jetty?—Yes, at the dolphin point; that is to the eastward of the harbour.

2247. I am speaking of the ferry-boat and breakwater jetty; has any mud accumulated against that jetty?—Yes.

2248. On the south side of it?—No; next the town; between the jetty and the town.

2249. Look at this plan you have looked at before, and tell me if you can find out where that breakwater is, the ferry-boat jetty?—Yes.

2250. Do you see the line drawn upon the Humber side of it?—Yes.

2251. Is there an accumulation of mud on the Humber side?—No; there is a narrow channel between the Humber side and the cranch; between the breakwater jetty and the cranch.

2252. What is there between the breakwater jetty and the narrow channel?—There is the cranch on the outer part, and the stones project from the jetty in the inner part.

2253. The channel comes next to that?—The channel comes between the cranch and the stones.

2254. Is

2254. Is there any mud accumulated about these stones?—At times it will accumulate and wash away again.

2255. *Committee.*] You were asked with regard to these lighters having discharged mud in the old harbour; was any complaint ever made before the magistrates, on account of such mud having been discharged?—I did not hear of any.

2256. You say that the proprietors, to a certain extent, clear the mud away before these sufferance quays?—Yes.

2257. Are you aware of whose duty it would be to pay for clearing the old harbour?—It should be the duty of the Dock Company; they make them pay the dues.

2258. If I state to you that the Act says, independently of that, the owners of the wharfs would have to clear it, and the commissioners might enforce it?—It is not near the sufferance quays; there is a channel between the hills and the sufferance quays; there is a road between the hills and the sufferance quays.

2259. If I tell you that by the Act each proprietor would have to clear between 35 on the garrison side and 35 on his own side, and that the commissioners would be able to make the proprietors do it, it is what you were not acquainted with before?—The proprietors of the garrison side clear their own side, the same as at the other side, as far as it extends.

2260. You were not aware that the trustees of the Holderness drainage have the power of compelling it being cleared away?—The spot is not in the way of their drainage; there is a channel between the hills and the shore on the garrison side, and there is a channel between the wharfinger's docks and the hills on the town side; the hills lie in the middle.

2261. Your answers implied that the Dock Company were compelled to clear it?—If the Dock Company receive money for it, it is their duty to do so; they ought to do it; if I pay for a road, I have a right to have one.

2262. You stated that the cranch is much in the same situation now as 40 years ago?—Yes; only the channel is not so deep between the cranch and the jetty; the breakwater jetty is laid where the channel was 40 years ago.

2263. But during that time the cranch has shifted its position frequently?—It has shifted a little, not much.

2264. Sometimes more to the east and west, or higher and lower?—Yes, higher up and lower down; the strong freshes make the channel wider between the breakwater jetty and the cranch; at neap tides it lays up again, then the force of the water down the Hull forces the mud away to the gravel.

2265. So that although it is now in the same position as it was 40 years ago, during that time you have known it in a different place?—Yes; it shifts in the position it is now; but formerly the channel was where the breakwater jetty is.

2266. I understood you to say, that Mr. Laverack has five or six coasting vessels?—Yes.

2267. Do those all go into trade in the old harbour?—They go in the dock frequently when occasion requires; but his premises lie in the harbour and they go generally there, except when they go for the convenience of trade into the dock; if I had a wharf higher up, I should not send my vessels to the wharfs belonging to other merchants.

2268. Mr. Laverack's warehouses are in the old harbour?—Yes; and the ships lie alongside his own premises; and then when they have delivered their London cargoes, they haul out into the stream to load.

[The Witness withdrew.]

[Adjourned till Monday next, at Half-past Eleven o'clock.]

Mr. S. Walton.

20 June 1840.

*Lunæ, 22<sup>o</sup> die Junii, 1840.*

RICHARD BETHEL, Esq. IN THE CHAIR.

Mr. *William Cramp* was called in; and Examined by Mr. *Reynolds*, as follows:

Mr.  
*William Cramp.*  
22 June 1840.

2269. YOU are an accountant?—Yes, I am.  
2270. Have you had before you and examined the printed accounts of the Dock Company that were put in, I think, from 1786 down to the present time, 1840?—Yes, I have.  
2271. Have you also had the manuscript accounts before you from 1774 to 1786?—Yes.  
2272. Have you also had before you the account of one share?—Yes, I have.  
2273. Have you also had before you the account of the land sold on the north side of the dock in 1787?—Yes, I have.  
2274. Signed, “William Hammond,” chairman of the Dock Company?—Yes.  
2275. From all those accounts and papers have you made out an account of one share, from 1773 down to 1840, or the end of 1839?—Yes, I have.  
2276. Turn to that account.—(*The Witness referred to a Paper.*)  
2277. Does that contain an account, year by year, of the dividends that appear to have been paid in each year, to the end of January 1840?—It does.  
2278. Is there also a calculation of interest upon those several dividends down to the present time?—Yes, to the 2d of February 1840.  
2279. Is that the date that appears on the face of the Dock Company’s accounts to be the date on which the dividend was declared?—Yes.  
2280. Does it also contain the amount of the several calls paid up by the shareholders?—Yes.  
2281. And a calculation of the interest upon those calls from the date they were respectively made down to the 2d February 1840?—Yes, it does.  
2282. Just state what appears to have been the whole sum, principal and interest, received upon one share?—£.7,328. 5s. 11d.  
2283. How much appears to have been paid on each share, principal and interest?—£.1,046. 6s. 5d.  
2284. What appears to have been the difference, after all the payments of capital and interest?—£.6,281. 19s. 6d.  
2285. At what rate have you calculated the interest?—Five per cent.  
2286. That appears to have been the profit, over and above the principal and interest received, upon one share during that period?—Yes.  
2287. Put in that paper.—

[*The following Paper was delivered in :*]

DOCK ACCOUNT for One Share.—Dr.

—	—	—	Interest to 2 Feb. 1840.	—
		<i>Yrs. Days.</i>	£. s. d.	£. s. d.
19 Oct. - 1773	Cash paid, 2 per cent. first payment	66 106	33 2 11	10 - -
7 May 1775	Ditto, 3 per cent., 15 l. - - }	64 271	210 8 3	65 - -
29 June —	10 per cent., 50 l. - - }	64 218	161 9 10	50 - -
5 April 1776	Ditto, 10 per cent. - - -	63 303	159 11 6	50 - -
27 June 1777	Ditto, 5 per cent. - - -	62 220	78 5 -	25 - -
19 Feb. - 1778	Ditto, 5 per cent. - - -	61 348	77 8 10	25 - -
14 April 1779	Ditto, 5 per cent. - - -	60 294	76 - 1	25 - -
		£.	796 6 5	250 - -
Interest to 2 February 1840 - - -				796 6 5
			£.	1,046 6 5

## ON KINGSTON-UPON-HULL DOCKS BILL.

101

## DOCK ACCOUNT for One Share.—Cr.

Mr.  
William Cramp.

22 June 1840.

				Interest to 2 Feb. 1840.			
		Yrs. Days.		£. s. d.		£. s. d.	
31 March 1781	By cash received - - - -	58	308	153	14 -	52	4 9½
30 March 1782	Ditto - - - -	57	309	255	10 3	88	6 10
3 May - 1783	Ditto - - - -	56	275	34	2 3	12	- 5½
21 April 1784	Ditto - - - -	55	287	72	12 3	26	- 8
16 Feb. - 1785	Ditto - - - -	54	351	89	10 3	32	11 6
19 Feb. - 1786	Ditto - - - -	53	348	80	18 7	30	- -
2 Feb. - 1787	Ditto - - - -	53	0	55	2 2	20	15 11
- - - 1788	Ditto - - - -	52	0	102	7 8	39	7 7
- - - 1789	Ditto - - - -	51	0	86	2 4	33	15 5
- - - 1790	Ditto - - - -	50	0	102	5 -	40	18 -
- - - 1791	Ditto - - - -	49	0	103	3 8	42	2 4
- - - 1792	Ditto - - - -	48	0	156	17 9	65	7 5
- - - 1793	Ditto - - - -	47	0	193	5 9	82	5 -
- - - 1794	Ditto - - - -	46	0	131	19 -	57	7 5
- - - 1795	Ditto - - - -	45	0	94	4 2	41	17 5
- - - 1796	Ditto - - - -	44	0	114	19 9	52	5 4
- - - 1797	Ditto - - - -	43	0	116	13 3	54	5 3
- - - 1798	Ditto - - - -	42	0	95	18 4	45	13 6
- - - 1799	Ditto - - - -	41	0	118	2 9	57	12 7
- - - 1800	Ditto - - - -	40	0	128	1 10	64	- 11
- - - 1801	Ditto - - - -	39	0	194	10 11	99	15 4
- - - 1802	Ditto - - - -	38	0	204	14 8	107	15 1
- - - 1803	Ditto - - - -	37	0	204	11 3	110	11 6
- - - 1804	Ditto - - - -	36	0	198	13 9	110	7 8
- - - 1805	Ditto - - - -	35	0	171	17 10	98	4 6
- - - 1806	Ditto - - - -	34	0	123	14 11	72	15 10
- - - 1807	Ditto - - - -	33	0	81	12 -	49	9 1
- - - 1811	Ditto - - - -	29	0	83	- 6	57	5 2
- - - 1812	Ditto - - - -	28	0	69	14 6	49	16 1
- - - 1817	Ditto - - - -	23	0	58	3 8	50	11 11
- - - 1818	Ditto - - - -	22	0	60	- 7	54	11 5
- - - 1819	Ditto - - - -	21	0	71	17 4	68	8 11
- - - 1820	Ditto - - - -	20	0	80	- -	80	- -
- - - 1821	Ditto - - - -	19	0	41	14 5	43	18 4
- - - 1822	Ditto - - - -	18	0	34	18 5	38	16 -
- - - 1823	Ditto - - - -	17	0	59	10 -	70	- -
- - - 1824	Ditto - - - -	16	0	56	- -	70	- -
- - - 1825	Ditto - - - -	15	0	52	10 -	70	- -
- - - 1826	Ditto - - - -	14	0	49	- -	70	- -
- - - 1827	Ditto - - - -	13	0	35	15 -	55	- -
- - - 1828	Ditto - - - -	12	0	27	- -	45	- -
- - - 1829	Ditto - - - -	11	0	19	5 -	35	- -
- - - 1830	Ditto - - - -	10	0	17	10 -	35	- -
- - - 1831	Ditto - - - -	9	0	15	15 -	35	- -
- - - 1832	Ditto - - - -	8	0	14	- -	35	- -
- - - 1833	Ditto - - - -	7	0	10	10 -	30	- -
- - - 1834	Ditto - - - -	6	0	10	10 -	35	- -
- - - 1835	Ditto - - - -	5	0	10	- -	40	- -
- - - 1836	Ditto - - - -	4	0	12	- -	60	- -
- - - 1837	Ditto - - - -	3	0	9	- -	60	- -
- - - 1838	Ditto - - - -	2	0	6	- -	60	- -
- - - 1839	Ditto - - - -	1	0	3	- -	60	- -
- - - 1840	Ditto - - - -	-	-	-	- -	60	- -
				£.	4,372 - 9	2,956	5 2
Interest to 2 February 1840 - - -						4,372	- 9
						7,328	5 11
Deduct Cash paid and Interest - - -						1,046	6 5
Net Profit on One Share, after repaying the Capital and Interest - - -				£.		6,281	19 6

Mr.  
William Crompton.  
22 June 1840.

2288. Have you made out a further account of the Dock Company's receipts and dividends from 1783 down to 1840?—Yes.

2289. Is that account taken exclusively from the printed papers purporting to be the annual accounts of the Dock Company, and from manuscript papers purporting to be annual accounts of the Dock Company, signed by the chairman?—Yes.

2290. Purporting to be so?—Yes.

2291. Is it divided into "Produce of Rates," "Sums Divided," "Amount per Share," in separate columns?—Yes, it is.

2292. Have you taken each year out separately?—Yes.

2293. What appears to have been the amount per share divided, up to 1803, inclusive?—£. 1,104. 8 s. 2 d.

2294. Have you carried that account on afterwards from 1804, inclusive, up to the end of 1839?—Yes.

2295. What appears to have been the total amount divided, per share?—£. 1,699. 4 s. 11 d.

2296. Adding the previous dividends for the first 23 years, what appears to have been the whole sum divided, per share, during that period?—£. 2,803. 13 s. 1 d.

2297. I think you have made certain calculations which appear on a loose sheet?—Yes.

2298. Have the goodness to read those calculations slowly and distinctly?—From this statement it appears that "The company divided during the first 20 years the sum of 132,529 l.; at this time there were only 120 shares, and the dividend amounted to 1,104 l. 8 s. 2 d. per share, which divided by 20, the number of years, gives an average annual dividend of 55 l. 4 s. 5 d. nearly; each share represents a nominal capital of 500 l. This average dividend is therefore within a fraction of 11 l. per cent. upon the capital; but only half the capital, or 250 l. per share, was paid up. This dividend was therefore nearly 22 l. per cent. on the paid-up capital; of the paid-up capital 11,357 l. 15 s., or 94 l. 12 s. 11½ d. per share, was returned to the subscribers in 1789, leaving only 155 l. 7 s. -½ d. advanced upon each share, for which advance the subscribers received the above annual dividend of 55 l. 4 s. 5 d., amounting to 35 l. 11 s. per cent. per annum, nearly."

2299. Have you made a calculation of what they have received since that period?—"The same class of proprietors, or their representatives, holders of original shares, have divided during the 37 years which have since passed, 1,699 l. 4 s. 11 d. per share, which gives an annual average dividend of 45 l. 18 s. 6 d., equal very nearly to 30 l. per cent. per annum upon the original investment."

2300. What is the next?—"The proprietors of the shares issued under the powers of the 42 Geo. 3, c. 91, and the 45 Geo. 3, c. 42, have each received the same average annual dividend of 45 l. 18 s. 6 d. per share from the time of the issue of their shares."

2301. You need not read the next paragraph, that does not concern yourself, go on to the next beyond that?—"A dividend of 45 l. 18 s. 6 d. upon 500 l. is at the rate of 9 l. 3 s. 8 d. per cent. During each of the last five years the company have divided 60 l. per share, being at the rate of 12 l. per cent. upon their nominal capital, 90,000 l.; and when their present debt is paid off, which two or three years will effect, they may divide from 25 l. to 30 l. per cent. upon their nominal capital. Upon the cost price of 120 shares they now divide 39 l. 2 s. 7 d. per cent., and lastly, upon the capital represented by 60 new shares, 12½ per cent."

2302. Now hand it in.—

[The following Paper was delivered in:]

## 103

22 June 1840.

February 1780.—It appears the company had received for five years preceding the opening of the dock,

	£.	s.	d.
Dock dues	22,451	17	7
Fine and penalties	134	17	6
Rental	695	4	—
	<b>£. 23,281</b>	<b>19</b>	<b>1</b>

## DIVIDENDS, &c.

YEAR.	PRODUCE OF RATES, &C.			SUM DIVIDED.		PER SHARE.		REMARKS.	
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1784	7,040	8	6	3,124	-	-	26	-	8
1785	8,217	2	5	3,909	-	-	32	11	6
1786	8,076	17	3	3,600	-	-	30	-	-
1787	8,480	4	-	2,495	10	-	20	15	11
1788	9,306	18	11	4,725	10	-	39	7	7
1789	9,268	10	4	4,052	10	-	33	15	5
1790	9,280	2	5	4,908	-	-	40	18	-
1791	9,812	5	2	5,054	-	-	42	2	4
1792	12,698	1	10	7,844	10	-	65	7	5
1793	14,649	9	2	9,870	-	-	82	5	-
1794	13,700	2	3	6,884	10	-	57	7	5
1795	11,461	19	-	5,024	10	-	41	17	5
1796	11,148	15	7	6,272	-	-	52	5	4
1797	14,857	11	5	6,511	10	-	54	5	3
1798	11,703	2	9	5,481	-	-	45	13	6
1799	12,753	18	2	6,915	10	-	57	12	7
1800	13,414	17	10	7,685	10	-	64	-	11
1801	17,734	5	7	11,972	-	-	99	15	4
1802	18,496	4	6	12,930	10	-	107	15	1
1803	19,912	19	7	13,269	-	-	110	11	6
Carried forward }	242,013	16	8	132,529	-	-	1,104	8	2

*Note.*—The date on the first column is the year in which the dividend was declared; the receipts are those for the year preceding; the dividends are declared on the 2d February in each year.

The company at this time increased their capital stock to 90,000 *l.* for the purpose of raising funds to make the Humber Dock by the creation and sale of 60 new shares of 500 *l.* each : these shares were sold, and produced the following sums :—

In 1893	15 shares produced -	-	-	-	-	-	£. 22,800
1894	15 „ -	-	-	-	-	-	22,550
1895	5 „ -	-	-	-	-	-	6,950
1896	25 „ -	-	-	-	-	-	30,090
Total - -	60 shares produced -	-	-	-	-	-	£. 82,390

The average price per share was 1,373 l. 3s. 4d.

Mr.  
William Cramp.

22 June 1840.

DIVIDENDS, &c.

YEAR.	PRODUCE OF RATES, &c.			SUM DIVIDED.			PER SHARE.			REMARKS.
	£.	s.	d.	£.	s.	d.	£.	s.	d.	
1804	23,310	18	3	14,901	15	-	110	7	8	upon 135 shares.
1805	21,433	10	3	14,733	15	-	98	4	6	upon 150 shares.
1806	18,414	18	1	11,282	14	2	72	15	10	upon 155 shares.
1807	16,258	18	2	8,901	15	-	49	9	1	upon 180 shares.
1808	15,107	5	6	-	-	-	-	-	-	The balance of these three years, after paying the current expense and deducting the income-tax, was, it is believed, paid to the Humber Dock Account; it amounted to 18,995 <i>l.</i> 15 <i>s.</i> 11 <i>d.</i>
1809	10,898	3	6	-	-	-	-	-	-	
1810	14,464	19	4	-	-	-	-	-	-	
1811	21,202	11	9	10,306	10	-	57	5	2	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1812	18,814	19	8	8,964	15	-	49	16	1	
1813	17,476	16	-	-	-	-	-	-	-	
1814	18,447	15	1	-	-	-	-	-	-	
1815	19,742	16	7	-	-	-	-	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1816	22,903	5	11	-	-	-	-	-	-	
1817	22,158	15	8	9,107	5	-	50	11	11	
1818	22,450	5	7	9,822	15	-	54	11	5	
1819	25,886	19	1	12,320	5	-	68	8	11	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1820	29,077	15	10	14,400	-	-	80	-	-	
1821	23,069	14	10	7,905	-	-	43	18	4	
1822	22,307	8	6	6,984	-	-	38	16	-	
1823	22,953	10	2	12,600	-	-	70	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1824	25,971	16	11	12,600	-	-	70	-	-	
1825	31,357	2	6	12,600	-	-	70	-	-	
1826	41,336	13	5	12,600	-	-	70	-	-	
1827	32,032	12	-	9,900	-	-	55	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1828	35,426	4	6	8,100	-	-	45	-	-	
1829	29,588	5	5	6,300	-	-	35	-	-	
1830	29,510	-	8	6,300	-	-	35	-	-	
1831	29,413	6	10	6,300	-	-	35	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1832	33,410	17	3	6,300	-	-	35	-	-	
1833	27,978	15	10	5,400	-	-	30	-	-	
1834	28,847	3	-	6,300	-	-	35	-	-	
1835	31,138	17	7	7,200	-	-	40	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1836	35,787	13	4	10,800	-	-	60	-	-	
1837	40,392	3	3	10,800	-	-	60	-	-	
1838	41,042	2	11	10,800	-	-	60	-	-	
1839	43,583	-	5	10,800	-	-	60	-	-	The balance of these four years was, it is believed, paid to the same account and to the expense of rebuilding the Old Dock basin; it amounted to £.
1840	54,939	18	7	10,800	-	-	60	-	-	
Brought forward	998,138	2	2	296,130	9	2	1,699	4	11	
	242,013	16	8	132,529	-	-	1,104	8	2	
TOTAL £.	1,240,151	18	10	428,659	9	2	2,803	13	1	

2303. With respect to the last amount of dividends, is the dividend of 94*l.* which appears made in 1789 and 1790, included in it?—No, it is not.

2304. Look at this (*handing a Paper to the Witness, marked C.*); that is the original account in manuscript for the years 1775 and 1776?—Yes, it is.

2305. Do you find any account of land bought in that year?—Yes.

2306. What is the total amount paid for lands bought?—"Lands bought, namely, from mayor and burgesses, paid 7th March 1775, in part, 650*l.*; ditto 9th May, ditto, 925*l.*"

2307. What does the whole appear to have been paid that year?—£.11,506. 3*s.* 7*d.*; 1,000*l.* of which will remain on bond.

2308. Look at that (*handing another Paper to the Witness, marked D.*); does that state the amount of the land sold afterwards?—The amount received from sundry purchasers.

2309. What is the amount of it?—£.11,324. 11*s.* 9*d.*

2310. What is the date of it?—1787 and 1788.

2311. Does it appear to have been divided, by the paper in your hand?—Yes.

2312. When?—

Mr.  
William Cramp.  
22 June 1840.

2312. When?—There is a sum of interest as well as that.  
 2313. The same amount on the other side?—Yes.  
 2314. Does there appear to have been a dividend made of it?—£.11,357. 15s.  
 2315. When does it appear to have been divided?—December the 4th, 1789.  
 2316. What amount per share was divided?—£.94. 12s. 11½d.  
 2317. Who is that signed by?—"William Hammond," chairman of the Dock Company.  
 2318. Turn to the other side; is there a letter signed "William Hammond?"—Yes.  
 2319. Directed to Arthur Maister, Esq.?—Yes.  
 2320. Have you made another extract from those accounts of the receipts and current expenditure, and the net proceeds of the company for the last eight years?—Yes.  
 2321. Does that show the exact amount of the net proceeds for each year?—Yes.  
 2322. Giving the company credit for everything they claim for disbursements?—Yes.  
 2323. Without regard to the exclusion of solicitors' bills, or otherwise, have you given them credit for everything entered as disbursements?—Yes.  
 2324. This last is mere calculations, have you made the calculations yourself?—Yes.  
 2325. Are they correct?—Yes.  
 2326. What is the total amount received by the Dock Company in those eight years?—£.303,709. 14s. 11d.  
 2327. What is the total amount of the current expenditure?—£.122,593.6s. 5d.  
 2328. What are the net proceeds?—£.181,116. 8s. 6d.

[The Witness delivered in the following Paper:]

ACCOUNT of the RECEIPTS and DISBURSEMENTS of the HULL DOCK COMPANY for the last Eight Years.

—	RECEIPTS.			CURRENT EXPENDITURE.			NET PROCEEDS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1832	27,978	15	10	13,666	—	10	14,312	15	—
1833	28,847	3	—	12,327	4	3	16,519	18	9
1834	31,138	17	7	12,813	4	5	18,325	13	2
1835	35,787	13	4	13,591	5	3	22,196	8	1
1836	40,392	3	3	17,633	9	3	22,758	14	—
1837	41,042	2	11	16,106	2	7	24,936	—	4
1838	43,583	—	5	16,791	2	4	26,791	18	1
1839	54,939	18	7	19,664	17	6	35,275	1	1
£.	303,709	14	11	122,593	6	5	181,116	8	6

2329. Then all these extracts made by you are correctly made?—Yes, I have examined them.

2330. Are those calculations correct, as far as you are able to speak?—Yes, to the best of my knowledge they are.

Cross-examined by Mr. Austin.

2331. What are you?—An accountant's clerk.

2332. I suppose the papers you have handed in you have been directed to make out upon some plan or other specified to you?—Yes, I had to examine them.

2333. And make them out upon some plan?—I did not make out the plan.

2334. Who gave you the plan?—It was given me in Messrs. Vizard and Leman's office.

2335. You are only responsible for the twice one is two and three times three are nine calculations?—Yes.

2336. If you have got through those calculations correctly, your duty is performed?—Yes.

2337. That is all you are answerable for, the summing up of the figures?—Yes.

83.

o

2338. Turn



Mr.  
William Cramp.  
22 June 1840.

2338. Turn to the first paper of yours. I now hold Paper (A.) in my hand; let me just understand the principle upon which these papers are made out; you recognize your own paper?—Yes.

2339. This is what you call “Dock Account for One Share.” I want to understand what these columns denote. I observe seven columns in that paper, the first is the year and the month?—That is the number of years and the amount.

2340. You are wrong in the very beginning; that is the year and the month?—That is the date when the first sum was paid.

2341. The next column is cash paid?—That is the payments.

2342. It merely denotes on that day, in that month, in that year, that sum of money was paid?—Yes.

2343. And the sum so paid is in the last column?—Yes.

2344. Then the third column denotes the amount of instalment paid?—Yes.

2345. Have you calculated it upon the integral sum of 500 *l.*; have you taken 500 *l.* to be the basis?—No, I have only copied it from the printed papers.

2346. Do you not know what it is?—Two per cent.

2347. Do you not know what it is; two per cent. on what?—I understand, 500 *l.*

2348. Is it so or not?—Yes, it is.

2349. That is the nominal amount of the shares?—Yes.

2350. “Two per cent. first payment,” it ought to be upon 200 *l.*—Yes.

2351. What is 66 years and 160 days?—That is the time from 1773, October 19th, to the 2d of February 1840.

2352. What is the next column, 33 *l.* 2 *s.* 11 *d.*?—That is the amount of interest upon the 10 *l.* from that time.

2353. From the beginning of the world?—From 1773 to the 2d of February 1840, simple interest at five per cent.

2354. Not compound interest?—No.

2355. What is the interest for 10 *l.*; 10 *s.* a year, is it not?—Yes.

2356. Is it 66 times 10 *s.*?—Yes, and 106 days, rather more.

2357. Now all the others are interest exactly of the same description?—Yes.

2358. Then all the instalments amount to 250 *l.*?—Yes.

2359. And all these sums of interest amount to 796 *l.* 6 *s.* 5 *d.*?—Yes.

2360. That is, as I understand you, you have taken the total amount paid upon each of those shares to be the integral sum of 250 *l.*?—Yes.

2361. The first payment was made October the 19th, 1773?—Yes.

2362. The last payment April 14th, 1779?—Yes.

2363. Be so good as to tell me what period elapsed between those times?—Five years and a half nearly.

2364. You have not added into that payment of 250 *l.* the interest upon the 10 *l.* for five years and a half, have you?—That is included in the 66 years and 106 days.

2365. You have not added into the last column here the interest for five years and a half upon the 10 *l.*, which would have been 2 *l.* 10 *s.* 6 *d.*?—No, I have got that.

2366. You have not added the interest upon the 65 *l.* beginning in 1775?—No.

2367. Nor any of the others?—No, that would have been compound interest.

2368. I suppose you can hardly tell me, by the mere sight of these figures, whether the sum that you call compound interest would have amounted to 50 *l.* more?—No, I cannot state that.

2369. You could make the calculations very easily?—Yes, if I had time.

2370. Supposing no dividend had been received by the shareholders from 1773 to 1779, there would have been, calculating interest upon your own principle upon that column, the sum of 50 *l.* to be added to the sum of 250 *l.* paid up?—I do not see that.

2371. On the same principle, if I advance 100 *l.* and am to have no interest till 10 years have elapsed, I am not to calculate upon the principal of 100 *l.*,  
but

but 100 *l.* plus the interest for the 10 years?—You do have the interest ; it is calculated the 19th of October, 1773.

2372. That is a totally different question ; I want to know whether you have calculated it upon the whole amount?—Certainly I have.

2373. You have made each of those shares represent a capital paid up of 250 *l.* only?—Yes.

2374. I observe that you add the 796 *l.* 6 *s.* 5 *d.*, which is the total of all the sums at simple interest paid up, to the 250 *l.*, making the sum of 1,046 *l.* 6 *s.* 5 *d.*?—Yes.

2375. Is that the termination of the account on the first sheet?—Yes.

2376. That account is concluded there?—Yes.

2377. In the second sheet you begin with the year 1781?—Yes.

2378. What is the 52 *l.* 4 *s.* 9  $\frac{1}{2}$  *d.*?—That is the first dividend received from the printed accounts of the company.

2379. What are the columns?—Just the same as the other, the date when received, except that the others are payments.

2380. Then there are the instalments of the capital?—Yes.

2381. Is 52 *l.* 4 *s.* 9 *d.* an instalment?—It is the dividend upon the share.

2382. The 10 *l.* in the last column on the first page is the instalment, is it not?—Yes, the sum paid by the shareholder.

2383. The sum paid up by the shareholder?—Yes, it is.

2384. It is a call ; as far as the account goes, it would only be a payment?—Yes.

2385. It is a call or instalment paid up by the shareholder?—Yes, it is.

2386. It is very different to a dividend?—Certainly, it is the reverse.

2387. You say the 50 *l.* 4 *s.* 9 *d.* is the dividend, is it not the call also?—No.

2388. It is on the corresponding side of the account?—It is on the opposite side of the account, the debtor side of the account ; that is the payment, and the other the receipt.

2389. Now begin to explain what the columns are?—The first column is the date when the dividend was received, the next is "By Cash Received," the next is the number of years and the days, from the date the dividends were received, to the 2d of February 1840.

2390. Be so good as to attend to my statement ; as I understand it, the 52 *l.* 4 *s.* 9  $\frac{1}{2}$  *d.* is the dividend received upon each share of 250 *l.* ; am I right in my figures?—Yes.

2391. It is the first dividend received?—Yes.

2392. Then, if I understand you, to go on with that, all that column, and all the column on the next page, and the column on the third page, is an account of the annual receipt of dividend, when they have been received, upon the sum of 250 *l.* paid up upon the share?—Yes.

2393. And upon no other share?—The same upon every share.

2394. It is every share of 250 *l.*, and all the annual dividends from 1781 to 1840, upon the same one share upon which 250 *l.* was originally paid up?—Yes.

2395. To begin upon the last column but one ; is not that 153 *l.* 14 *s.* a calculation of simple interest upon the 52 *l.* 4 *s.* 9  $\frac{1}{2}$  *d.*?—Yes, it is.

2396. A calculation of the interest for all those years upon the dividends received upon the share?—Yes.

2397. Does not it contain the perpetual calculations of interest during that succession of years terminating in 1840?—Yes.

2398. Is it not just as if I had a thousand pounds in the Three per Cents., and had bought them in the year 1820 ; in the year 1821 I should have received 30 *l.*, being the amount of two dividends?—Yes.

2399. Is not this last column but one of yours, a calculation of interest from 1781, upon that dividend of 30 *l.*, up to 1840?—Yes, it is, if you receive it.

2400. Now turn to the last sheet ; the 2,956 *l.* 5 *s.* 2 *d.* is the gross amount of all the dividends received since the year 1781, upon the share of 250 *l.*?—Yes.

2401. If I understand you rightly, the 4,372 *l.* - *s.* 9 *d.*, the total of the last column but one, is the gross amount of the simple interests payable successively upon all the dividends so received?—It is calculated upon that.

Mr.  
William Cramp.  
22 June 1840.

2402. You are right, it is calculated; then the total amount of the dividends actually received, and the total amount of your calculated interest upon the dividends actually received, are two sums of 2,956 *l.* and 4,372 *l.* amounting to 7,328 *l.*?—Yes.

2403. Then from that total sum with which you debit him you subtract 1,046 *l.* 6 *s.* 5 *d.*, from the total sum with which you credit him?—Yes.

2404. Then the balance against the shareholder is 6,281 *l.* 19 *s.* 6 *d.*?—You may term it so, I do; I do not say it is a balance against him.

2405. It is his profit?—Yes, if he has got that profit; it is no balance against him.

2406. *Committee.*] What is the deduction?—It is the amount of the paid up calls and interest upon them.

2407. *Mr. Austin.*] One more question with regard to the Account (A.); the calculations of interest upon these amounts have been made, not upon the nominal sum of 500 *l.* but upon the sum which you suppose to have been actually paid up, 250 *l.*?—Yes.

2408. I now come to your second account (B.), which purports to be an account of the Dock Company's receipts and dividends from the accounts of the Dock Company?—Yes.

2409. Those you have taken out from the account according to the instructions of Messrs. Vizard and Leman?—Yes, I have taken them out of the accounts.

2410. Have you taken them out according to the instructions received from Messrs. Vizard and Leman?—Yes.

2411. You have performed the same office of calculator merely?—Yes.

2412. In what respect does this account in page 2 differ from the account you have just delivered in?—I believe the bottom of the second page in the centre column it is 19 *s.* 2 *d.*

2413. Take the first page; in the first page you appear to give an account of the sums received by the Dock Company from rates, &c., from the commencement of the concern to the year 1783?—From 1783.

2414. I see you have made the amount on the first page the sum of 23,281 *l.* 19 *s.* 1 *d.*; as I understand that sum of 23,281 *l.* 19 *s.* 1 *d.*, it represents the sums received by the Dock Company from the rates and so forth in each year up to 1783?—Yes, it is so, but I know nothing of that.

2415. But is it so?—Yes, it is so.

2416. Then turn over, you commence where you left off in the previous page?—That is the commencement that I have examined; the first page I have not.

2417. Now, commencing at the year 1784; I find, according to your account in that year, the produce of the rates was 7,040 *l.* 8 *s.* 6 *d.*, the total sum divided 3,124 *l.*, which gives 26 *l.* 8 *s.* 8 *d.* per share?—Yes.

2418. That is, per share of 250 *l.* as in Paper (A.)?—Yes, I believe you will find the amount the same.

2419. So it goes on to the year 1803, does not it?—Yes.

2420. The total amount divided per share, from the year 1784 to 1803, upon every share upon which 250 *l.* was paid up, is 1,104 *l.* 8 *s.* 2 *d.*?—Yes.

2421. Now that is upon the sum of 250 *l.* paid up and no more?—Yes, as I understand it.

2422. That is so?—I believe it is.

2423. And it is made upon the supposition that it was one payment and not in different instalments?—There is no interest at all upon it.

2424. So that, though it took five or six years to pay up the sum of 250 *l.*, there is no interest calculated upon the different instalments; you have assumed the sum to be 250 *l.*, and then you have calculated the sum of 1,102 *l.* 8 *s.* 2 *d.* as the sum paid upon each share?—Yes, I believe it is.

2425. Just let me get this matter distinctly; that 1,104 *l.* 8 *s.* 2 *d.* is a calculation of the total sum of interest paid from the year 1774 to 1783 upon the supposed sum of 250 *l.* per share paid up?—It is the amount of the dividend received.

2426. Upon the supposed sum of 250 *l.* per share paid up?—Yes.

2427. Now we come to 1803, when the 60 new shares commenced being issued. The account at page 3 is the account from the year 1803, beginning

ning 1804 down to 1840, of the annual dividends, when dividends were paid, paid upon each share?—Yes.

2428. Now be so good as to turn to page 4 of this paper, that consists of observations and inference, is that yours?—No.

2429. It is not yours?—No.

2430. My learned friend asked you to read it; I thought he made you responsible for it?—I made calculations upon it.

2431. You only made the calculations?—That is all.

2432. One part I think you read, "A dividend of 45 *l.* 18 *s.* 6 *d.* upon 500 *l.* is at the rate of 9 *l.* 3 *s.* 8 *d.* per cent."?—Yes.

2433. You state that that is so?—Yes, it is.

2434. That each of those shares you call 500 *l.*, there having been about 1,370 *l.* paid up; that fact appears by your own paper, look at the last page, the average price per share was 1,370 *l.*?—Yes.

2435. Now we will look at (E.) if you please; what is (E.)?—The amount of receipts and disbursements of the Hull Dock Company for the last eight years.

2436. With the net proceeds in each of the columns for those years?—Yes.

Re-Examined by Mr. *Reynolds*.

2437. To return to Account (A.) Does not that account first of all shew that 250 *l.* was the gross sum paid up upon each share of 500 *l.*?—Yes, it does, as appears by the printed papers.

2438. That 250 *l.* was the gross sum paid up?—Yes.

2439. Does not it shew that 2,956 *l.* 5 *s.* 2 *d.* was the gross amount received back in the shape of dividends by each shareholder upon a share of 500 *l.* who had paid up 250 *l.*?—Yes.

2440. Besides that, you have calculated interest upon each instalment carried on from the day on which it was paid up, down to the present time?—Down to the 2d of February, 1840.

2441. And also interest upon each dividend received by the proprietor from the day on which they appear to have been respectively received, down to the present time?—Yes.

2442. Is that the usual and ordinary way of making out accounts of this description?—I can hardly answer that question.

2443. With respect to Account (B.) I think you told my learned friend that Account (B.) was made up from the printed annual accounts of the company, together with their manuscript accounts?—Yes, it was.

2444. I observe you have only commenced it from 1784?—Yes.

2445. You had these manuscript accounts of the company from 1775, downwards, before you when you made the account?—I think I had.

2446. Look at them and see if you had them before you (*handing some papers to the Witness*)?—Yes, I had.

2447. Did you find any trace in those accounts of a dividend earlier than 1784?—No.

2448. Did you find any trace in those accounts of the treasurer's account?—I do not recollect that I did; I merely looked for the account of the dividends, and not finding it I did not search for anything else.

2449. Did you find any trace of the treasurer's account in them previous to the days on which the dividend appears to have been made; did you look for it?—No, I did not.

2450. Look at that account, (*handing another paper to the Witness*), what is that account?—An account of the receipts and disbursements of the money arising by the rates and duties on ships trading to and from the port of Kingston-upon-Hull, from the 31st of December 1785, to the 31st of December 1786.

2451. Does that account give the amount of dock duties received or that year?—Yes.

2452. Does it also give the amount of the dividends ordered to be paid?—Yes.

2453. Is it signed by the chairman?—It is signed "William Hammond, Chairman." (*Another paper was handed to the Witness.*)

Mr.  
*William Cramp.*

22 June 1840.

2454. What account is that. Is that the account for the preceding year?  
—Yes; from the 31st of December 1784, to the 31st of December 1785.

2455. Does that give the amount of the dock duties received in that year?  
—Yes.

2456. Also the account of the dividends?—Yes, it does.

2457. Look at this next one, (*handing another paper to the Witness*), does that account also show the dock dues and dividends?—It shows the dock duties and the sum to be divided, 26 *l.* - *s.* 8 *d.*

2458. Look at the preceding year, and tell us what is added for that account in 1781; does that show the amount of the dock dues received, or how is it put in?—I do not see in that dock dues put in.

2459. What is it?—"Cash received from the Treasurer."

2460. Does it show the dividend?—No, it does not.

2461. Do any of the preceding years do otherwise?—No, I believe not.

2462. Look at all those three papers, (*handing three other papers to the Witness*), do they show any dock dues or dividend?—There is neither dock dues nor dividends.

2463. Does it specify the balance received from the treasurer?—"Cash received from the Treasurer."

2464. Look at the preceding years, and see if they are the same, (*handing some other papers to the Witness*), do any of those preceding accounts show the amount of the dock dues received, or the amount of the dividend?—No, they do not; here is one that shows the dock duties in 1775.

2465. But none in any of the others down to 1783?—No.

2466. Is that the reason why you have began those accounts with 1778?—Yes, that is the reason; I did not put the others in.

2467. You say this Account (B.) is a mere account copied; it is the account of the Dock Company, of their project; the amount of dividends paid to each proprietor in each year?—Yes.

2468. Without including interest on either side?—Yes.

2469. Merely a naked account of the interest appearing to have been received by each person?—Yes.

2470. This is not calculated upon any particular sum, but upon the share whatever it may be?—It is extracted from the printed accounts.

2471. Without reference to whether the share was large or small in its purchase money?—Yes.

2472. With respect to those statements on the last page, you have nothing to do with the reasoning, you have only calculated the amount?—That is all.

2473. Upon the instructions furnished you by Messrs. Vizard and Leman?  
—Yes.

2474. *Committee.*] You did not make out a calculation of the value of the shares from 1803, when there were 60 new shares issued?—No.

2475. You told the Committee these accounts were not your own formula; that you were directed to make out the account, and you made the calculations?  
—Yes.

2476. If you had had to make them up yourself, should you not have given credit to the shareholders for the money from the first day he had paid it?—Yes.

2477. Then you conceive the formula are not made out right, as you have given no credit?—Yes, I believe I have; I have given credit for the first 10 *l.*

[The Witness withdrew.]

*Charles Ansell, Esq.* was called in; and Examined by Mr. *Reynolds*, as follows:

2478. I BELIEVE you are an actuary in the City?—Yes, I am.

2479. Have you had laid before you a statement of the receipts and disbursements of the Hull Dock Company for the last eight years?—Yes, I have; it is a paper having three columns and many figures in it; and the rest being 181,116 *l.* 8 *s.* 6 *d.* at the right hand corner.

2480. Have you calculated the rate at which the income has increased during the last year, as given in the last of those columns?—Yes, I have on two principles; the one on the principle that the rate is presumed to have been in a geometrical

Charles Ansell, Esq.

22 June 1840.

a geometrical ratio, that is, that the increase of any particular year is a percentage on the preceding year; and the other principle, that the rate has been a constant and uniform sum, or what you would understand by arithmetical progression.

2481. We will not ask anything upon the geometrical progression, what has been the average annual amount of increase?—The average annual amount of increase during the seven years, it is only seven actual years, was 2,995 *l.* per annum, that was the rate at which the income appears to have increased according to this statement.

2482. That is the average annual rate of increase during those seven years?—Yes, each of the years, ending in 1840.

2483. Supposing the rate of increase in future years to be only one-half of what it has been in the last eight years, have you calculated what sum the company would probably receive under that supposition for 12 years to come?—Yes, I have.

2484. Supposing the increase in future years to be only half what it has been of late years?—According to that principle, the receipts during the next 12 years would be a gross amount of 540,066 *l.*

2485. Mr. *Austin*.] Have you made out any account?—No, I have not made out any account whatever.

2486. Just look at that, (*handing a paper to the Witness*)?—That account has not been made out by me. I have seen it this morning in this room, and some of the figures are copied from a case formerly submitted to me, but which are not the figures upon which the questions are now being asked.

2487. The amount is altered?—Yes, I did not alter it.

2488. *Committee*.] What were the receipts in the first year?—The receipts of 1832, 14,312 *l.*; and the year 1839, 35,275 *l.*

2489. Mr. *Reynolds*.] The ratio of those years is how much?—£. 2,995.

2490. That is, one year has exceeded the other in rotation upon that amount?—Yes, upon the average of years.

2491. With an additional dock and a railway, and all those circumstances to help the trade; and suppose the annual improvement only to have been one-half what it is of late years, I ask the result in the next 12 years?—The gross amount would be 540,066 *l.*

2492. *Committee*.] What is the income of the 12th year?—£. 53,239.

2493. Mr. *Reynolds*.] That is supposing the future improvement in the income not to exceed one-half?—Yes; that is, about 1,497 *l.* 10s., the annual increase during the next 12 years, which is the half of 2,995 *l.*

2494. Generally as a principle, without reference to this company, is this a fair mode of estimating the future probable income of the company upon those data?—That I should have a great difficulty in answering; it must depend very much upon the nature of the company.

2495. Mr. *Austin*.] And upon the profits of the trade?—Yes, and upon many circumstances I have no cognizance of; I have known Insurance-offices to increase in something like that manner, but am not prepared to say it is an analogous case to that under the consideration of the Committee.

2496. Supposing all the elements and the principle to be the same, aided by the opening of a new dock and a railway, should you think that a reasonable mode of estimating the profit?—I should hesitate to give an opinion upon that subject, because it would go for very little when I had given it.

2497. Supposing a dividend of 50 *l.* per share per annum to be paid to the company, are you prepared to tell us the amount of that in the 12 years?—I have not gone into that calculation.

2498. At all events you tell us, that if the future rate of increase of that company is only equal to the half of its past increase for eight years, they will receive in the next 12 the sum you have mentioned?—Yes, 540,000 *l.*

2499. *Committee*.] Have you made any calculation of the profits of the company?—No, there has been a very rapid increase in the income of the company in the last seven years.

Cross-examined by Mr. *Austin*.

2500. You have ascertained, according to the principles of arithmetical progression, the average rate of increase from 1832 to 1839?—Yes.

2501. Based upon the figures you found in that statement marked (E.)?—Yes.

2502. You

*Charles Ansell, Esq.*

22 June 1840.

2502. You merely took the figures, and did not look into the causes of the variation?—I had no means of doing it.

2503. You did not look and ascertain, that in 1838 and 1839 there was a prodigious quantity of corn imported, did you?—I had no knowledge of it.

2504. The first year is 1832?—Yes.

2505. The net proceeds for that year are 14,312*l.* 15*s.* 11*d.*?—Yes.

2506. The year 1839, the net proceeds 35,275*l.* 1*s.* 1*d.*?—Yes.

2507. Do I understand you have subtracted the amount of 1832 from that of 1839?—Yes, that is part of the process.

2508. You have divided that by the figure seven?—Yes, by the number of instances, which are seven.

2509. Then you get 2,995*l.*?—Yes, or within a fraction.

2510. You get that as the result?—Yes.

2511. That is the whole calculation?—Yes, that is the whole calculation to find the arithmetical mean.

2512. In truth, therefore, this calculation of yours is the mode of finding the arithmetical mean between the sums 14,312*l.* and 35,275*l.*?—Yes.

2513. It would be the same if these figures represented tons or cwts.?—Yes.

2514. It is neither more nor less than an arithmetical calculation?—Yes.

2515. Which I should have been as able to do when at Cambridge?—Yes, or now, from the facility with which you have gone through the process.

2516. Supposing you had taken 1833 and 1834, that would have given a different result?—A smaller one, evidently.

2517. Very different?—It is one term less.

2518. Just try 1838 and 1839; just take your pencil?—That would have been very much larger, I can see by the eye.

2519. Just do it for me?—The difference I make 8,483*l.*

2520. That would be the mean, then?—No, that would only be the difference between those two terms.

2521. Instead of taking the last year, 1839, which was not a very fair and just year, take the years 1832 and 1838, and give me the mean between 14,312*l.* and 26,791*l.*; what would the mean have been then if we had come to Parliament last year instead of this?—Very close to 2,080*l.*

2522. Therefore, if you had taken the mean between 1832 and 1838, and compared that with the mean between 1832 and 1839, the difference is very near one-third?—It is more, I think.

2523. You have gone further, and calculated the receipts for 12 years?—Yes.

2524. Let us see upon what that calculation is based; I take it for granted it is true as an arithmetical calculation?—I believe it is true.

2525. You are not answerable for anything beyond that?—No.

2526. It depends first upon the propriety of taking 1832 and 1839, and taking the arithmetical mean?—Yes.

2527. That assumes that the next 12 years are to be just as productive and in the same ratio as the two years upon which you have calculated the mean?—No, as productive as one-half.

2528. But steadily at the rate of one-half of the former increase?—Yes, one-half of the former rate of increase.

2529. And you have calculated, as I understand you, upon the assumption that half that mean is the measure of the rate of increase?—Yes.

2530. From what starting point have you measured?—From 1839.

2531. You are to assume that, in 1840, the ratio of increase is to be calculated, not upon the receipts of 1838, 26,791*l.*, but upon the receipts of 1839, 35,275*l.*?—Yes, it is so.

2532. You calculate upon this basis not only that the receipts of the year 1839, 35,275*l.*, are to be maintained, but that they are to go on increasing according to the ratio you have described?—Yes.

2533. Did you ever hear of a new dock at Hull?—I understand that it has some reference to the Hull Docks; I see it on the papers, and that is all I know about it.

2534. Did you make any allowance for the increased cost of management?—I did not hear anything connected with that.

2535. You did not hear that the management of the new dock would have entailed an additional expense of 4,000*l.* upon the company?—No, I have not taken that into the calculation at all.

Re-examined

Re-examined by Mr. *Reynolds*.*Charles Ansell, Esq.*

22 June 1840.

2536. You have not heard it stated that the new dock will not be made till seven years?—No.

2537. Have you made a similar calculation to this, allowing a deduction of 5,000 *l.* for the excess of income arising from those causes?—Yes.

2538. Did that calculation proceed upon the basis, that certain sums, amounting together to about 5,000 *l.* in different years, were not correctly charged by the company?—The statement was not quite identical with this statement; in other respects, I think the net income of 1839 in the former statement was made to be not 35,275 *l.*, but only 32,579 *l.*

2539. £. 5,000 less?—Yes; 5,000 *l.* off the net receipt of 1839.

2540. What did you make the result of the receipts at the end of 12 years, allowing the 5,000 *l.* off?—I make it to be 525,306 *l.*

2541. That is assuming the future annual increase to be only one-half what the former one is?—Yes, one-half, and slightly different circumstances; the whole of the figures are not the same as those subsequently given to me.

2542. My learned friend wants to know if you made any geometrical calculations upon that basis?—Yes, I did.

2543. Mr. *Austin*.] They gave very curious results?—They were very large in the last year.

2544. How much are we to receive at the end of the 12 years, taking it at the geometrical ratio?—If the same principle had been adopted, taking the rate of increase to be the geometrical rate of increase, the receipt during the next 12 years, on the assumption of half, would be 669,000 *l.* only; not so large as you suppose.

2545. You take the same mean?—No, not the same mean; I take then the geometrical mean.

2546. You take half of the geometrical mean?—Yes.

2547. Instead of 540,000 *l.* it would be 669,000 *l.*?—Yes.

[The Witness withdrew.]

Mr. *Thomas Oswald*, was called in; and Examined by Mr. *Reynolds*, as follows:

Mr.  
*Thomas Oswald.*

2548. WHAT are you?—Captain of a steam-boat.

2549. On the Hull station?—Yes.

2550. What is the name of it?—The Vulcan.

2551. Is that the steam-boat that carries the mail?—Yes.

2552. Between what places?—New Holland and Hull.

2553. How long have you commanded that vessel?—I have been eight years on the Ferry.

2554. Carrying the mail?—Yes.

2555. When did you come up to London?—I came in this morning.

2556. You had been commanding that packet up to the time you left Hull?—Yes.

2557. What date was the last day you made the trip?—Yesterday morning; I came across at seven o'clock from Hull.

2558. You are acquainted with the Humber Dock basin?—Yes.

2559. Are you aware of any alteration made by the company in the piers of that basin?—There is an important alteration in the accommodation afforded.

2560. Have they altered the shape of the pier?—Yes.

2561. Which pier?—The east pier.

2562. Is that nearest the harbour?—Yes.

2563. In what way is it altered?—For no better, I am sorry to say.

2564. In what shape have they altered it; in what shape was it before?—The shape of an L before.

2565. What have they done to it?—They have extended it further out; besides that, I do not know what they have done.

2566. What has been the effect of that extension upon the mud?—It is much shoaler than it was before.

2567. Is it much shoaler than it was three months ago?—Yes.

2568. How long is it since they first began to make the alterations?—I should say about five months since they began to drive the piles.



Mr.  
Thomas Oswald.  
—  
22 June 1840.

2569. Did you find any alteration in consequence?—Yes, before that time I could always take the mail on board and the passengers from the pier, and now three times a fortnight I am obliged to bring them in a small boat.

2570. What is the size of the vessel you command?—She has never been measured.

2571. About the size; you are a seaman, you can tell?—She is about 170 feet in length, over all.

2572. What is the tonnage?—She was never measured.

2573. What is the draft of water?—Four feet nine.

2574. What horse power?—Thirty.

2575. Previous to those alterations, could you lay the boat close to the old pier?—No, it was quite dry.

2576. Previous to those alterations?—Yes.

2577. Since the alterations were made, they have carried it further out?—Yes; but, on account of the different set of the current, it warps up.

2578. How did you get your passengers on board before the alteration?—I could always get them on board by the length of a 20-foot plank from the old pier end, and that same place now dries at low water three times a fortnight.

2579. How near can you get to land your passengers now?—About 60 or 70 yards; we have to boat them out; it is only a week since yesterday I left 20 passengers, who would not go out in the boat.

2580. Has that occurred more than once lately?—Three times in a fortnight; we have to boat out three times every spring tide.

2581. Has that all occurred since the alterations making now by the Dock Company had begun?—Yes, it has.

2582. Has there been any delay about the mails in consequence?—Yes, there is like to be delay, because we have to get our anchor up after the mail gets into the packet.

2583. Have any complaints of that delay been made?—Frequently by the passengers, and the guard likewise; it is reported up to the post-office here every day, when he has to boat, on his time-bill.

2584. I need not ask you whether that is a great inconvenience to you?—It is a very great inconvenience to my passengers.

2585. Is it attended with danger to the passengers?—It is often attended with danger to the vessel.

2586. Is the taking of passengers on board, in the way you describe, attended with inconvenience?—It depends upon whether it is blowing heavy.

2587. Have any refused to come on board lately?—A week yesterday I left about a score who would not come on board in the boat.

2588. Are you aware there are other passage-boats carrying passengers besides yours up and down the river?—Yes.

2589. How many are there; do you know?—Ten or a dozen, besides mine.

2590. Do you mean daily?—Yes, but there is only one that has to ply up to a certain hour in the day besides myself; the others go according to the tide, so that there is no danger of their grounding so much.

2591. Is there any convenient accommodation for them to land their passengers when they get down?—When they get down, there is generally water at the pier.

2592. Is that always the case?—Not always, but generally the case; or they may land over two or three other vessels; there may be water on the outside of them.

2593. Would it be a great accommodation to the passengers by the steam-boats if the vessels could be afloat to land their passengers?—Yes, certainly.

2594. Have you ever heard of passengers falling overboard from having to cross upon planks?—It was not above a week ago I had a female lady that fell off the plank; she was coming across a plank to the Barton packet, to my packet, and she fell off before she got on board the Barton packet.

2595. Do you know where the railway station is to be?—Yes.

2596. In your opinion, would it be desirable that accommodation for embarking and landing passengers should be near that?—I should say it would be an improvement, so long as there was sufficient water.

2597. Is it desirable also, in your opinion, that the landing for the passengers of the large steam-boats should be as near the centre of the town as convenient?

Mr.  
Thomas Oswald.

22 June 1840.

venient?—I do not see any other place than that it should be near the dock basin; I do not see any other place so convenient as that.

2598. The river steam-boats?—Yes.

2599. Those that go to London, and to the northwards, and to Hambro'?—They have not water into the basin, except when the tide suits.

2600. If any means could be devised by letting them lie afloat, and land their passengers near the Humber Dock and the railway station, would that be a convenience?—It could be easily done by extending the pier-head out.

2601. Either the pier could be built out, or a landing-place connected by a bridge with the pier; would that answer the purpose?—There is too strong a current in the River Humber for a bridge.

2602. What do you say to a bridge of boats?—I do not know how that would answer; I never saw one.

2603. Supposing it could be effected, I am asking you the convenience of it; if a pier was built out, so that large steamers could lay there, and the passengers walk ashore, would it be very convenient?—Very much, it would be so.

2604. Should you think it convenient to land passengers to send them to the eastward of the citadel?—No, it would be very much out of the road.

2605. Would that be an inconvenient distance from the railway station?—Yes.

2606. And the post-office?—Yes.

2607. And the custom-house?—Yes.

2608. And the principal hotels in the town?—Yes.

2609. Are you aware of the craunch, nearly lying between the mouth of the River Hull and the entrance of the Harbour Dock basin, or thereabout?—To the westward of the basin.

2610. To the eastward of the basin and the westward of the harbour?—Yes, I know it very well.

2611. Have there been any operations going on of late?—Yes, they have been at work upon it, and taken a good bit of it away.

2612. Have they taken it off the whole length, or only a part of it?—They have not taken it level; it lies in holes; I have seen it dry at low water since I saw them working upon it.

2613. Is it very unlevel?—With a machine they work they cannot get it level; they may have a deep hole, and then a hill here; but the current will level it afterwards.

2614. At present it is left with a hole in one part and a hill in another?—Yes.

2615. In the meantime, is it safe for a vessel to lie upon it?—Not at all.

2616. It is left in an unsafe state for the current to do the rest of the work?—I should say that the current would still level it.

2617. Till that is done it is unsafe?—No, I do not say it is unsafe; it would not injure anything but the small craft in running down upon it; it would be levelled in a few weeks; many of the small craft go up the river with coals, and if they were to ground upon any of those hills, it would strain them all to pieces.

2618. It must take some weeks to do it?—Five or six weeks.

2619. During the course of those five or six weeks it is dangerous to the small craft?—It is a month since they gave over working it.

2620. Can you tell me the depth of water there is over it?—I cannot tell exactly, I should say not above 16 or 18 inches at spring tides; but I have once seen it dry since they gave over working.

2621. Which end was it?—It was right in the middle of it almost; it extends close to the basin, and close to the harbour mouth again.

2622. And right in the middle of it you have seen it dry since they gave over working?—Yes.

2623. You say you expect the tide to fill up those places; will it be by bringing fresh matter, or levelling it?—They may do it level; but there will be always gravel and bricks rolling out of the Old Harbour upon it.

2624. In your opinion, it is extremely difficult, if not impossible, to clear?—Unless they keep constantly at work at it; the only remedy would be to take the pier just beyond the edge of it, and then they would fall into nine feet water.

2625. If they cleanse the harbour entirely of stones, would it be easy to keep it down?—It would be a difficult job to do, as it runs so high up.

Mr.  
*Thomas Oswald.*

22 June 1840.

2626. Suppose that they cleaned it thoroughly, would there be any difficulty in clearing it away?—There are many vessels that go into the harbour, and throw a little ballast overboard.

2627. Supposing they were to convert the Old Harbour into a dock, would that remove the cause of this craunch?—It would not warp up so soon, I should say, as it does at present.

Cross-examined by Mr. Austin.

2628. Now, as to this craunch, it was sometimes quite inconvenient going into the harbour, and coming out again?—Yes, the vessels frequently grounded upon it.

2629. And the removal of it is a convenience?—They have not made it much better; there is not above a foot or a foot and a half of water at low water.

2630. Do you mean to give that as your opinion, that the removal of it is not very beneficial?—There is not depth for a light vessel to go over it now.

2631. Do you mean to say from your knowledge of the Old Harbour, the removal of that craunch has not been very beneficial to the Old Harbour?—I cannot say that it has been a very beneficial thing.

2632. Do you often go into the harbour with your vessel?—Yes.

2633. Do you mean to say that the deepening of it a foot and a half would not be a great advantage to you at certain times?—Yes, no doubt of it.

2634. How many steam-boats are there that ever came to the old pier in the manner you describe?—According to the time, there is none that is bothered but me and another; there are twelve more that go according to the tide.

2635. The only two inconvenienced are you and another?—They are all inconvenienced, they land one over another.

2636. Do they not go up with the tide?—Yes.

2637. What do you complain of?—Laying alongside a ground; I have been detained 40 minutes with the mail on board.

2638. How often does that happen?—I took care that it happened but once; then I had to put off to the shore and fetch them on board in a small boat.

2639. What did you leave the shore for?—To get into deep water.

2640. How long has this new work been completed?—They had been agait at it five months.

2641. Is it perfectly completed?—No, it is not.

2642. Do you know whether they propose to remove the accretions that have taken place during the work?—No, I know it warps up.

2643. Do you suppose that this new work has been made to annoy all mankind?—No.

2644. Do you not suppose it was done to give facility to somebody?—They may be wrong in their ideas.

2645. Do you not believe it was for that purpose?—I suppose it was.

2646. Do you think it will?—I cannot see it.

2647. Do you think it an injudicious work?—I do not say that they would do it intentionally.

2648. Do you mean to say that it is an injudicious work in your opinion?—Yes, at present.

2649. In what respect?—We cannot land our passengers.

2650. Until the removal of the accretions, you cannot land your passengers? If they make water the objection will be removed.

2651. When they have done that, will not it be a great convenience to the steamers in the basin?—No, I do not think that.

2652. If it has been done at the request of the owners of the steam-vessels, what should you say?—It will enlarge the basin very little.

2653. If it was done at the request of the steam-boat owners they would all be wrong?—We should all fare the same.

2654. It has cost a good deal of money?—Yes, I suppose it did, I have not heard the sum.

2655. If they do remove those accretions will the mud warp up again?—Yes, I should say it would.

2656. Your opinion is that the removal of the accretions will not remove the evil?—I think there is not a set of current that passes it sufficiently strong to remove it.

2757. Does

2657. Does it appear to you to be more likely to warp up in its present situation than before?—Yes, we had five feet of water, and I took my passengers on board, and laid close to the piles.

2658. Do you attribute the alteration to the pier?—I cannot give any other reasons for it.

2659. *Committee.*] Can you give any reason for it?—It is owing to the pier.

2660. Is not the pier carried further out?—Yes.

2661. Is not the current stronger further out?—No, it was in the shape of an L, and now the tide runs easy past it.

2662. Are the works finished at this pier?—The stepways are finished; there is another to make.

[The Witness withdrew.]

Mr. Samuel Talbot Hassell was called; and Examined by Mr. Reynolds, as follows:

2663. I BELIEVE you are a merchant in Hull?—I am.

2664. A general merchant?—Yes.

2665. You occupy premises on the harbour side?—Yes, I am a tenant.

2666. Are you aware about what number of warehouses are upon the harbour side?—About 40 I should think.

2667. The owners of how many of those warehouses are supporters of this opposition?—I do not know the number, but all are supporters but about five; I have a list in my pocket, if I may refer to it?

2668. *Committee.*] If you please?

2669. Mr. Austin.] Have you the names?—Yes, I have the names of the subscribers to the opposition in the Old Harbour; the first is Jesse Malcolm.

2670. Is Samuel Horner's name among those?—Yes.

2671. Mr. Clifford Pease?—Yes.

2672. William Hall?—Yes.

2673. Mr. Maister?—Yes.

2674. Mr. Voce's name?—Yes; Mr. Kingrose is one of the largest proprietors; Mr. Peach is the largest; the Countess of Coventry's property is also subscribed for.

2675. Can you give the number?—There are 25; there are only five who have not subscribed, and they are chiefly dock proprietors.

2676. Mr. Reynolds.] Do you know what proportion of the rental is represented by those who have subscribed?—On the west side, about seven-eighths; I think it is 6,500*l.* out of 8,000*l.* besides the east side; there is only one on the east side.

2677. What is that?—A proprietor who does not live in Hull, independently of the corporations, who have not property on the harbour, they are not subscribers; the Corporation of the Trinity House, and the corporation of the town, called the Garrison-ground Committee.

2678. What is the nature of the trade carried on in the harbour at present?—The trade chiefly carried on, on the west side, is grain and seed, with hemp and flax.

2679. Tar?—No.

2680. What is carried on, on the other side?—Chiefly the wood trade; there are one or two warehouses for corn.

2681. For grain and seed, and hemp and flax, do you require very spacious quay room?—No.

2682. Why is that?—Because the sooner it is under cover the better.

2683. You would have the warehouses as near the front of the quays as desirable?—Yes, decidedly, within 15 feet; just to give room for the weighing of the goods that pay duty by weight.

2684. The sooner they are under cover the better?—Yes.

2685. Has much of that trade left the harbour; do the vessels now bringing cargoes of that description go elsewhere?—A great deal of it has left the town.

2686. *Committee.*] What do you mean by leaving the town?—Gone away to other places; Goole takes off a large quantity.

2687. Mr. Reynolds.] To what do you attribute that?—The establishment of another port.

2688. How is the timber trade carried on in the harbour; do the timber ships come into the harbour with their timber?—Some do.

83.

P 3

2689. Do

Mr.  
Thomas Oswald.

22 June 1840.

Mr.  
Samuel T. Hassell.

Mr.  
*Samuel T. Hassell.*  
 22 June 1840.

2689. Do the majority come?—About half of them; I mean the ships loaded with deals; and the other half of the cargoes are lightered from the docks.

2690. Where do the other half go to; where do the ships go first?—They go into the docks.

2691. And their cargoes are lightered round into the harbour?—Yes, one-third, or half of the timber ships go into the docks.

2692. How are their cargoes brought into the harbour?—They are floated round.

2693. Rafted round?—Yes.

2694. If the harbour was made into a dock, would those ships be likely to come into it?—Those whose cargoes are for proprietors on the east side of the harbour, I suppose would.

2695. Some of them go now into the docks?—They all go into the docks, scarcely an exception.

2696. Does any other trade, the corn trade, and other trades you spoke of, go to the docks?—The majority of the foreign vessels will not come into the harbour.

2697. If a foreign vessel comes with a cargo consigned to your warehouse, and she goes into the docks, how do you get the cargo?—The cargo must be lightered.

2698. At whose expense?—The owner of the cargo; occasionally foreign ships may be brought round by a fee of 2*l.* or 3*l.*, but they generally go to the docks.

2699. Why do they go there in preference?—Because they lie afloat.

2700. Would that inconvenience be removed if they could lie afloat in the harbour?—Yes.

2701. And the expense of filling a warehouse would be less?—The lighterage would be saved.

2702. Do the ships that bring cargoes of corn, bring other articles with the corn?—The majority of them come corn-laden alone; vessels from Russia do bring other goods, hemp and flax occasionally; but in the corn trade, when there is a corn trade, it is conducted by foreign vessels.

2703. Is a considerable quantity of the timber trade carried on in the Old Dock by persons having premises on the Old Dock side?—Yes.

2704. Is that a convenient place for their business at present?—Yes.

2705. Could the accommodation in the Old Dock, and on the Old Dock side, be increased by any means?—There are several portions on the north side of the Old Dock not employed by houses in the wood trade, but by shops.

2706. Are you speaking of the Dock Company's property?—Yes.

2707. They are occupied by shops, and other persons?—Yes.

2708. Could they carry on their business with equal convenience elsewhere?—Yes.

2709. And their premises be devoted to the wood trade?—Yes.

2710. Would they give great accommodation to the wood trade?—About one-sixth of the whole.

2711. Is the Junction Dock sufficient for any part of the trade; is there a considerable inland trade or import trade; is there a considerable portion of the trade in timber and deals carried on to places up the country?—No, not a considerable part.

2712. Is there any timber trade carried on now in the Junction Dock?—Not much.

2713. Might it be carried on there?—Not much.

2714. Have you seen the plans now before the Committee; Mr. Rendel's plan, and Mr. Walker's plan?—Yes. (*They were handed to the Witness*).

2715. Which of those plans do you consider most likely to promote the future benefit of the port of Hull?—I consider Mr. Rendel's plan by far the better plan; having regard to the vested interests of Hull.

2716. Which plan will give the best accommodation for the steam trade?—Mr. Rendel's plan.

2717. Putting out of the question altogether the timber-pond, as not being likely to be executed, if ever, does Mr. Walker's plan appear to afford any very great increased accommodation for the timber trade?—So far as the area goes, certainly.

2718. You see in Mr. Rendel's plan there is a new cut for the River Hull, which passes over part of the ground occupied by Mr. Walker's plan?—Yes.

2719. Supposing

2719. Supposing the timber-pond made upon the space marked "Site for Warehouses," the same size as Mr. Walker's timber-pond, would that give equal accommodation with Mr. Walker's plan?—I think it would.

2720. I believe you are connected with the harbour committee?—I am.

2721. You are secretary to that committee?—I am honorary secretary.

2722. Do you recollect an application being made to that committee by certain persons promoting the Queen's Dock?—Yes.

2723. Of whom does this harbour committee consist?—They are gentlemen forming the committee out of those subscribers.

2724. *Committee.*] What powers do they exercise?—The protection of the harbour property; and the object which they have ultimately, and which they profess, is no harbour dock, no harbour dues.

2725. It is not a public body?—No, it is a committee of the proprietors of the warehouses.

2726. Mr. *Reynolds.*] Was the committee chosen by a general meeting, at which the gentleman who happened to be mayor presided?—Yes, Mr. Gibson.

2727. Was anybody who was not a holder of water-side property excluded?—I believe there was no exclusion.

2728. Are not the harbour committee the representatives of the proprietors of nearly all that part of the port of Hull, not in the possession of the Dock Company or their tenants?—There is a large portion above the bridge which I can scarcely say are represented by the committee.

2729. But in the old town of Hull?—The old port of Hull is represented by the committee.

2730. We heard a good deal about this Queen's Dock; and you stated, just now, an application was made by the promoters of the Queen's Dock to the harbour committee?—Yes.

2731. Was that for their support?—Yes.

2732. Do you recollect how it was met by the committee?—By a decided negative, so far as the interests of the Queen's Dock might interfere with the interests of the harbour.

2733. They refused to give them their support on that ground?—Yes, they did.

2734. *Committee.*] The situation of the proposed Queen's Dock was nearly the same as that proposed by the Dock Company?—Yes.

2735. Mr. *Reynolds.*] The harbour committee had nothing to do with that?—No.

2736. Though some of the members of the committee had?—Yes, two of the members of the harbour committee were members of the scheme to get up the Queen's Dock.

2737. The harbour committee rejected their application for their support?—Yes.

2738. They repudiated the plan altogether?—They decided not to have anything to do with it.

2739. Does Mr. Walker's plan appear to afford any accommodation for the river steamers?—None whatever.

2740. Are they a very important part of the trade of the town?—They bring a very great number of passengers to the town, and are of very great consequence to the retail dealers at Hull.

2741. And no accommodation is provided by his plan for them?—There is a basin of Mr. Walker's new dock that might do for steamers to run to, as they do to the Humber Dock at present, but it would be so far off from the centre of the town, that I apprehend the river steamers would not go there, except in cases of storms.

2742. Is there accommodation afforded for them by Mr. Rendel's plan?—I should say every accommodation that can be required, except making a dock purposely.

Cross-examined by Mr. *Hildyard.*

2743. I understood you to have stated in your last answer, that the river steamers comprise a portion of the trade that is very important?—Yes.

2744. Was it for the convenience of that very portion of the trade that the old basin of the Humber Dock was altered as it is now in course of being altered, and against which the last witness was brought here from Hull to complain?—I do not know the reason why it is done.

Mr.  
*Samuel T. Hassell.*

22 June 1840.

2745. I ask you, as a merchant in the presence of merchants of Hull, was not it in your belief for the accommodation of that trade?—I do not know what accommodation it was for.

2746. That is your answer in the presence of your friends?—Yes, in the presence of my friends I see around me, and I am not afraid to meet them afterwards.

2747. That is a work of considerable expense?—I understand it is.

2748. Do you believe that that expense was incurred by the company without an object?—I suppose they had an object.

2749. Will you suggest an object, unless you believe it was for that class of the trade to which I have adverted?—I suppose it was for the general accommodation of large steamers.

2750. Do you think it will have that effect?—Decidedly not.

2751. I understood you to state, when you were asked by my learned friend whether you preferred Mr. Walker's plan or the plan of Mr. Rendel, you said, having reference to the vested interests of Hull, you preferred Mr. Rendel's plan?—Yes.

2752. Now, for a moment, disregard the vested interests, and without having reference to the vested interests, which do you think the best plan?—For the general trade of the town, Mr. Rendel's plan.

2753. Why do you qualify your answer by saying, having reference to the vested interests of the town?—Because the general trade, by Mr. Rendel's plan, can make use of those warehouses in the harbour at present, but if the proposed new dock of Mr. Walker is made, I conceive that a large majority of the warehouses on the harbour will be annihilated.

2754. Do you recollect the state of the trade in the harbour before the Junction Dock was made?—Yes.

2755. Do you mean to represent the trade in the harbour has been prejudiced by making the Humber Dock?—Very materially indeed, full 20 per cent. I stated before the Committee in 1825, it would be so, and the result has confirmed that statement.

2756. When was the Junction Dock made?—In 1829.

2757. How could you in 1825 state what effect the Junction Dock would have; you stated you believed that would be the result of it?—Yes, I stated that I conceived that would be the effect of it.

2758. There are 25 subscribers, I think, you say to this opposition?—Twenty-five the west side below the bridge; there are some above the bridge.

2759. You say there are but five persons having property who are not subscribers?—To the best of my knowledge.

2760. Have the corporation of Hull a considerable property upon the borders of the projected dock of Mr. Rendel?—I stated that they were not subscribers; they are on the east.

2761. They are upon the east side?—Yes.

2762. Do they subscribe to this opposition?—No.

2763. Have the Trinity House considerable property there?—It is the same property; it is garrison ground of the committee.

2764. And they, I believe, are not subscribers?—They are not.

2765. Are you prepared to say, that all the persons who are subscribers to this opposition, are advocates for having this plan of Mr. Rendel's carried into effect?—I believe that every subscriber's motto on this list is, no harbour dock, no harbour dues.

2766. That is not an answer, to my question; do you believe that all the subscribers to this opposition are advocates for the dock projected by Mr. Rendel?—I believe they are all for the Harbour Dock; I am not aware that they have all seen Mr. Rendel's plan, with the exception of Simon Hall; I do not know that he is for the Harbour Dock.

2767. Do you not know that he is against it?—No.

2768. What do you think?—He told me so.

2769. What?—I do not know whether I am for the Harbour Dock or not.

2770. Do you know Mr. Laverack?—Yes.

2771. Do you know whether he is for converting the harbour into a dock?—Yes, breast high.

2772. Mr. Newmarsh?—Yes, the same; he is on our committee, and never made any opposition.

2773. George



2773. George Newmarsh?—He does not belong to it.

2774. He is the owner of property on the river side?—I believe not.

2775. When you subscribed to this opposition, did you do so with regard to your own interests as a harbour-side proprietor, or with reference to the general interests of the town?—I am not a subscriber.

2776. Do you mean you are on the harbour committee, and not a subscriber to this opposition?—I say so; I am not a proprietor, I am only a tenant.

2777. You are a petitioner?—No, I am not.

2778. How many members does the harbour committee consist of?—I think either 13 or 15.

2779. Are they not chiefly represented by two or three, or three or four persons, who are actively engaged in it?—I have always called the committee together when any business is to be done.

2780. Are not the whole of those parties represented by three or four persons?—The deputation in London consists of four members of the committee, who happen to be in London at the time.

2781. Who were the two members of the harbour committee who advocated the Queen's Dock?—Mr. Reynolds and Mr. John Smith.

2782. They are the two gentlemen in the room now?—Yes.

2783. With respect to the timber trade at Hull, are you aware that a witness represented the other day, that three-fourths of the timber trade was transit trade up the Hull?—No, I did not hear it.

2784. Should you think that the witness was incorrect in that, up to Gainsborough and other places?—It is sent up the country, to the extent of three-fourths.

2785. Not to come back again to Hull?—Yes.

2786. Is there not a large portion of it sent down the Humber to Lynn and coast-ways?—A very small proportion.

2787. A proportion of the other fourth?—I believe not much timber; I cannot speak as to that.

2788. Do you find any objection to Mr. Walker's plan, as a dock projected mainly for the timber trade?—No, certainly not, it would do for the timber trade.

2789. Would it not do for vessels coming out for the transshipping of them, either by rafts or small vessels?—As far as I understand Mr. Walker's dock, there will be scarcely a possible entry for those large ships.

2790. You mean that it has been represented to you in an engineering point of view; Mr. Walker has not made provision for a vessel of that tonnage by which the timber trade is conducted?—No, I do not; the inquiries I have made have led me to suppose that which is the entrance to Mr. Walker's dock is too near the Ebbles, which is a very dangerous place off Marfleet; that it is highly dangerous and almost impracticable for vessels to enter that dock.

2791. Assuming, in an engineering point of view, you are wrong in that particular, do you think it would be a convenient dock for that class of vessels?—If there is no danger there, the vessels can enter; it is the best place for the ships, but not for the trade.

2792. There is a considerable coasting trade carried on in the harbour—Yes.

2793. Do not the vessels load all the way up the river, above and below North Bridge?—They take their cargoes in.

2794. You are aware by Mr. Rendel's plan there will be a considerable space even between the North Bridge and that dock, that will be still tidal river?—Yes.

2695. Will not that be an inconvenience to vessels taking up their cargoes after they have availed themselves of the facility afforded by the dock that they have to go into a tidal harbour?—Not more so than at present.

2796. Do you think that it will be any objection to that class of vessels, that they will have to lock in and out again instead of being free from that impediment altogether?—It may be a trifling impediment, but not adequate to the advantage that they will get.

2797. Will not it be a great objection both to vessels and the trade of that dock that the small vessels by which the coasting trade is conducted would have to be locked in and out?—No, I think not, speaking of it as being a tidal water at present.

2798. I am not saying whether it would be greater than at present, but whether the advantage of their being able to take up their cargoes in a portion of that space where they would have water; would a great portion of that advantage



Mr.  
Samuel T. Hassell.

22 June 1840.

tage be lost by their having another portion which they must enter by locking? —It will be an impediment, but not equal to the advantage of Mr. Rendel's dock.

2799. Assuming that Mr. Rendel's plan were carried into effect, do you think that the trade of this dock would have any peculiar character, or would it be used for the general trade of the town?—It would be used for the general trade of the town so far as the stowage of goods; the corn would come there as formerly.

2800. You do not suppose it would afford any attraction to the timber trade so as to be occupied as a timber-dock?—No, my impression is that the Old Dock would be used as a timber-dock; and be adequate for it as it was for many years.

2801. Inform me how you think the timber would be conveyed from the Old Dock to the river to be carried higher up?—By the new Act of Parliament, vessels are not allowed to raft as they do at present; a large portion of the timber is taken in rafts by the sloops, and not taken on board, but I understand it is provided by the Bill before the House, that those rafts shall not be allowed any more.

2802. It would have to be floated down the new tidal harbour?—No, taken on board the vessels.

2803. And so carried through the Junction Dock out into the river?—Yes.

2804. The process of carrying it by rafts would, in your opinion, cease?—Yes, it is provided so by the Act.

2805. Is not rafting the cheapest mode?—Yes, I should think it is; certainly it is.

2806. Is there any doubt of it?—No, but it is not to be allowed by the new Act.

2807. The timber trade would be driven into a more expensive mode of being conducted?—No, I do not say that they cannot raft out of the Old Dock as they have done 500 times, but they are not to be allowed to do it.

2808. Do you think that is an improper provision in the Bill; would you or not have had that restriction?—It is always dangerous to raft, and it should never have been allowed; in a storm of wind we have seen those rafts broken up, and the vessels have had to go down as low as the Spurm to fetch the timber.

2809. Dangerous after they get out into the Humber?—Yes.

2810. In spite of that being the case, that is the mode in which it has been conducted?—Yes, a sloop will take the risk of it; besides that, I understand—but I am not in the timber trade.

2811. Are you a member of the Chamber of Commerce?—Yes, I am; I am the vice-president; but I do not appear here as a member of the Chamber of Commerce.

2812. The Chamber of Commerce take a different view of it?—The president of the chamber has signed the petition against the Bill.

2813. Do not the body take a different view to yourself upon the subject?—I have always avoided attending the meetings, in order that I might not get into any controversy.

2814. *Committee.*] Who is the president?—Mr. Wilson.

2815. Is he a harbour proprietor?—No.

2816. You say, if the Old Harbour was made into a dock, it would become a timber harbour?—Yes, for the ships to deliver in.

2817. Surrounding the Old Dock, are there such facilities of quayage, that would be required in such a case as that?—For the deals there is quite sufficient in connexion with the establishments already in the harbour; the timber sold has been floated out of the docks, into the harbour, above bridge and below bridge.

2818. With regard to the timber-pond, is there any facility in the neighbourhood of the Old Dock for such an accommodation?—I do not know of any.

2819. Mr. *Hildyard.*] You spoke of a subscription list; did you by that intend to speak of a list of persons who had subscribed to the opposition, that Mr. Serjeant Merewether and Mr. Reynolds are offering to the preamble of this Bill?—I do.

2820. How many persons who have subscribed for that purpose are persons who have no property upon the harbour side?—There are no subscribers except landlords or tenants.

2821. Then

Mr.  
*Samuel T. Hassell.*  
 22 June 1840.

2821. Then I understand you, that of the promoters of this opposition, there is not one single name from the general mercantile interest of the town of Hull?—To pay the expenses, certainly not; it is a life or death concern, as they conceive, to the harbour property; they are the men to bear the expense, and they have subscribed to the amount of the whole of their rental; they did the same in 1825, and were then successful.

Re-examined by Mr. *Reynolds*.

2822. Are you not aware that many subscribers to that list have property in other parts of the town as well as on the harbour; in the market-place and in Quay-street?—Yes, there are some; I cannot say I can point out any material piece of property beyond the harbour side.

2823. Supposing the canal communication was made from the proposed dock to the Old Harbour, do you think that the docks and property on the harbour side would much suffer?—The inconvenience is this, that at present the company are not allowed to build warehouses, and if they were allowed to do it, they would be able to land goods cheaper than the warehouse-keepers by the saving of lighterage.

2824. *Committee.*] Do you conceive, if a new dock was built, and a canal communication made, that the property in the harbour would suffer?—I conceive it would.

2825. Mr. *Reynolds.*] You have been asked, by my learned friend, Mr. Hildyard, respecting the supposed inconvenience which the river craft would experience, from getting out of the proposed dock, upon Mr. Rendel's plan, into the tidal part of the river; look at Mr. Walker's plan, and see if the same inconvenience does not exist there?—To a great extent.

2826. I believe in Mr. Rendel's plan that will be remedied by carrying his lock higher up?—So I suppose.

2827. Could that be done by Mr. Walker's plan?—No.

2828. Wherever he puts his lock, he must cross the river?—Unless he puts it parallel to the river.

2829. Wherever Mr. Walker makes a communication he must cross the tidal river?—Unless he goes up and comes down again.

2830. He must communicate with the river?—Yes.

2831. But by Mr. Rendel's plan it could be made so that the two could communicate without crossing it?—Yes.

2832. Mr. Walker must lock out and in?—Yes, except when the water is level.

2833. But to come into the tidal river, and he must lock out and lock in; but Mr. Rendel's is different?—Yes.

2834. You have said something about high water; Mr. Rendel is not obliged to lock out and in at high water?—No.

2835. The preponderance of accommodation in that respect is in favour of Mr. Rendel?—Yes.

2836. You have said something about some of the members of the harbour committee not sanctioning the particular plan; is there any one who will not sanction that plan for a dock, provided it is carried as high up as necessary?—I am not aware that any one would object to it.

2837. Has not the only objection ever made to Mr. Rendel's plan been, that it does not go high enough?—Some think it is not wide enough, but the general objection is that it does not go high enough.

2838. That objection may be removed?—I know nothing to the contrary.

2839. You say Mr. Walker's dock would be a good situation for ships, but not for trade?—That is my opinion.

2840. Explain that?—It would be good for ships, provided there is no danger; but for the trade, it is so far distant from all the public offices, the Custom-house, the Excise-office, the Post-office, and Railroad, that a vast deal of time would be lost going to and fro, which might be avoided by the Harbour Dock, as being nearer to those places.

2841. Supposing a ship bringing a general cargo, consigned to different merchants, and entering this proposed dock of Mr. Walker's, discharging part of her cargo there, would she be likely to be tempted out of it again to go elsewhere, and come into the Humber again?—To do that, the captain would require a large compensation.

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2842. Would

Mr.  
*Samuel T. Hassell.*  
 22 June 1840.

2842. Would there be any additional sea risk?—If a vessel had been insured, and she had been 24 hours in Mr. Walker's dock, the insurance ceases, and a new risk commences.

2843. Supposing a ship laden with timber and deals; they generally come for different persons?—Timber and deals generally come to one person.

2844. Supposing a vessel coming into this dock with a general cargo, part for the harbour, and part for the dock, what effect would that have upon the trade; would it be as convenient as if the harbour was converted into a dock?—I conceive not.

2845. Would there be any delays in getting the sloops loaded?—Am I to suppose that the communication with Mr. Walker's dock and the harbour is existing or determined not to be.

2846. We are to presume it not to exist?—I mean to say it would be highly dangerous for vessels to go from that dock to any other part of the port; I allude to sloops that take the goods away up the interior.

2847. Would it be more costly?—If you employ lighters it would be much more costly; I understand that the lightermen could not do it for less than double, if not more than that.

2848. I think you stated you gave your opinion in 1825 as to the effect of the Junction Dock upon the future trade of the harbour?—Yes.

2849. You have found that to be correct?—Yes.

2850. Have you found a depreciation in the rent of the warehouses since then in consequence?—In the last year or two most of the occupiers of warehouses have got their poor-rates reduced in consequence of the depreciation of property; and I know several instances of private dwellings that have suffered very materially.

2851. You attribute that to the effect you supposed would take place in 1825?—Yes.

2852. *Committee.*] The great objection you have to Mr. Walker's plan is, the great depreciation that will take place in the harbour property?—Yes, not only that, but the property in the old town; my opinion is, that it will create a new town, and take away the trade that belongs to the locality of the old town; that would be saved if the harbour was converted into a dock.

2853. You look very much to vested interests?—I speak of the old town of Hull, and the fortifications; the docks at present occupy the fortifications.

2854. When you spoke of the preference you gave to Mr. Rendel's plan over Mr. Walker's, had you heard the evidence of Mr. Walker and Mr. Cubitt upon the subject?—I was not here.

2855. Supposing upon Mr. Walker's plan there was a steam-boat entrance made into the Humber Dock, would that change your view of Mr. Walker's plan; suppose in addition to the works upon the plan there was a steam-boat entrance?—When I spoke of the Harbour Dock being more advantageous to Hull, I took into consideration Mr. Rendel's plan, which gives a new entrance for large steamers into the Humber Dock.

2856. Suppose the same entrance is made in Mr. Walker's plan, which is easily practicable, do you not conceive that that would change your views as to Mr. Walker's plan?—Decidedly not.

2857. You said if Mr. Rendel's plan was adopted, you thought that the timber trade would be carried on in the Old Dock?—Yes, a large portion of it in the Harbour Dock.

2858. You have stated that the timber is rafted out of the Old Dock up and down the river?—Yes, floated up and down the river, to the yards and ponds.

2859. There are three timber-ponds through which the new cut, as proposed by Mr. Rendel, goes?—It goes through one of them.

2860. Does not it go through all three?—I suppose it does.

2861. Can you point out where you think that any proper accommodation for timber-ponds can be given to make up for that so taken away?—Much larger and more commodious ones could be given to the east of Mr. Rendel's new cut.

2862. Should you not have to take it through the new cut to the east into the new timber-pond?—The east side of the harbour has three-fourths of it devoted entirely to the wood trade; I do not suppose that that would be destroyed.

2863. Would there not be much greater accommodation for the ships to be able to get into the docks near the timber-ponds, than if they came round through

through the Humber Dock and the Junction Dock, and put their timber out in the Old Dock, and then to be rafted all down the new cut into the timber-pond?—That portion, certainly, of the trade which would go into the timber-pond to the east of the new cut would be attended with that inconvenience.

Mr.  
Samuel T. Haslel.  
22 June 1840.

2864. That is to say, that with a view to the timber-pond to the east, it is better to have a dock to the east?—Yes.

2865. Does not Hull stand in need of a dock for the timber trade; you heard that stated in evidence before?—No, I did not, I have not been here.

2866. Is it not the fact that it is required for the timber trade?—Yes, but I do not mean to say that the timber trade requires a new dock.

2867. I have understood that the new dock is principally required for the timber trade, is that your opinion?—No, it is not, so far as I understand the subject.

2868. I am speaking of what the trade of Hull now requires?—I think there is accommodation sufficient for the timber trade with the addition of those ponds that might be made by Mr. Rendel's new cut.

2869. The ponds are to be to the east?—Yes.

2870. Then surely the dock ought to be in contiguity with the timber-pond, and ought to be on the east also; does not that follow?—If that was the case, I conceive that the harbour property would be destroyed.

2871. If you have a timber-pond to the east, will you not admit it is an advantage, with a view to the timber-pond, that the dock should be near it?—Yes, if you sacrificed the whole existing property of the town to the timber-dock, then I concede it can be made there.

2872. Supposing there were no warehouses in the harbour, and we look to the timber trade only, you would prefer a dock to the east in immediate proximity with the pond to the east, for the purposes of the timber trade?—For general purposes I should, but for others it would be inconvenient.

2873. For the timber trade?—For the timber itself, but not those who carry it on; the distance would be so great, and the additional expense would absorb the saving effected.

2874. You think the advantage resulting from having a timber-pond upon the east would be countervailed by the disadvantages arising from the distance of the timber-pond from the town?—Yes, to a certain extent, it decidedly would.

2875. Do you see any other place but that which, as you have said, by Mr. Rendel's plan might be made, and that proposed by Mr. Walker, where a timber-pond could be made?—No, I should think not.

2876. Do you know of any other?—No.

2877. Do you admit that the timber-pond must be made to the east?—If you take away the present timber-pond, you must make others, and they can only be to the east.

2878. Would the present timber-ponds answer, if the harbour was converted into a dock?—They could be so extended that they could answer perfectly for the trade of the town.

2879. The new cut will go through them?—Yes; when I speak of that, I do not know it will go through them, but they might be made contiguous upon this cut; the value of the property there is not much.

2880. If they are cut through by the new cut, where then should you put them?—I should say the site for the ship-yards on Mr. Rendel's plan.

2881. Is not that the site of the proposed new dock of the Dock Company?—Yes, a portion of it.

2882. Supposing Mr. Rendel's plan to be carried into effect, where will the lumber ships come to?—Those loaded with deals, I look upon it, would come to the Old Dock and the Harbour Dock, and the portion that was loaded with timber would go into the Old Dock and the Harbour Dock; but a portion of the timber would have to be stored, and it might be stored in the yards above the bridge.

2883. How will the timber get there?—I am assuming that the lock will be made higher up.

2884. Above the North Bridge?—A mile above the bridge; it is a navigable river.

2885. I am speaking of the plan before the Committee. You say the ships will go into the Old Dock and the Harbour Dock, how will it get into the timber-yards?

Mr.  
*Samuel T. Hassell.*

22 June 1840.

timber-yards?—They would be floated out of the Old Dock into this new cut, the same as they are now.

2886. Into the Humber?—No, through the new cut into the timber-pond.

2887. But I understood you the rafting was not to be allowed?—Not for going up the river; rafting is laying one piece upon another, making a hundred load, what is floated is floated in pieces joined together by a rope; what is rafted is four or five pieces put one upon another.

2888. Would it not be convenient if you are to have four docks at Hull, if you could have the timber trade shut out altogether from one or two of them, and confined to the others; is it not an inconvenient trade to be mixed up with others?—It is not so inconvenient but it might be carried on.

2889. It is now carried on?—Yes.

2890. Would it be more convenient to the present trade if it could be separated from the other docks?—If there was no timber, there would be more room for other vessels.

2891. Suppose the Old River is converted into a dock, could not the timber trade then be conveniently carried on in the Old Dock as it is at present?—I conceive it would be carried on in the Old River, and equally convenient.

2892. What trade is carried on there now?—Chiefly the wood trade, but occasionally vessels come loaded with tar and iron; but the bulk of the Old Dock accommodation at present is taken up with the timber trade.

2893.—Is not the general trade carried on in the Old Dock?—Yes, a certain portion of it.

2894. Are there warehouses there?—Yes, there are some belonging to the Dock Company.

2895. What are they used for?—They receive all kinds of goods.

2896. If you had a vessel employed in the trade in corn, do you not know that the captain would object to lie alongside a lumber ship?—No, it is done every day; they make no objection whatever.

2897. Suppose there is a new dock constructed according to Mr. Walker's plan, but the company are restrained building warehouses in the new dock, do you conceive that the old property in the harbour would suffer any detriment?—Not so much as if they were allowed.

2898. The warehouse property can only be affected by new warehouses?—No.

2899. If the company were restrained from building warehouses, there will be no injury to them?—I apprehend not.

2900. You were examined in 1825?—Yes.

2901. You stated you apprehended a reduction of 20 per cent. upon the value of property from that dock?—Yes.

2902. That has been verified?—Yes, it has been, by the expenses of lightering, and other things.

2903. Has the property in the harbour been prejudiced by the building of warehouses on the Junction Dock?—Yes.

2904. So that you attribute the detriment done to the property in the Old Harbour to the building of those warehouses?—No, the construction of the dock; they have not built any warehouses there.

2905. Then how have the warehouses been injured?—By the formation of the Junction Dock.

2906. As there are no warehouses upon the Junction Dock, how has it been injured?—It has been injured by this; before the Junction Dock was made, nearly all the vessels coming to the port of Hull had to go through the harbour to get into the dock, consequently they were very glad to stop half way; now they do not come into the harbour, they make for the Humber Dock, and get into the Old Dock; now they do not come at all into the harbour, many refuse to come, and few will come without being paid for it.

2907. If there are no warehouses on the new dock, your warehouses will not be injured?—The captains contend when they are in dock they are in port, and we are obliged to send lighters.

[The Witness withdrew.

[Adjourned till To-morrow, at Twelve o'clock.]

*Martis, 23<sup>o</sup> die Junii, 1840.*

RICHARD BETHEL, Esq, IN THE CHAIR.

*James Meadows Rendel*, Esq. was called in; and Examined by Mr. Serjeant *Merewether*, as follows :

*J. M. Rendel*, Esq.

23 June 1840.

2908. YOU are, I believe, a civil engineer ?—I am.

2909. And you have been so some years ?—About 20 years.

2910. During that time have you been employed upon public and private works as an engineer ?—I have.

2911. Have you been also acquainted with the construction of docks ?—I have.

2912. Have you been so employed ?—I have.

2913. Were you employed to go to Hull to consider where docks could be constructed for the convenience of the town ?—Yes, I was.

2914. When was it ?—In March last ; I think on the 5th of March.

2915. Did you go to Hull on that day ?—I did.

2916. When you got to Hull did you see any persons there interested in the inquiry ?—Yes, I did.

2917. In consequence of seeing those persons did you consider it necessary to get written instructions ?—I did.

2918. Did you get written instructions ?—Yes, I did.

2919. In consequence of those instructions did you begin to survey the town and neighbourhood ?—I did.

2920. Did you examine the shores of the Humber east and west ?—East and west.

2921. Did you examine also the course of the Hull ?—Yes.

2922. And the position of the existing docks ?—Yes.

2923. Were you made acquainted with the proposal of Mr. Walker for docks to be erected in the marsh to the east of the Citadel ?—A copy of Mr. Walker's plan was put into my hands.

2924. Did you consider it ?—Yes, I did.

2925. Did you also, besides considering the position of the docks, ascertain the position of the existing warehouses at Hull ?—They were pointed out to me by some persons who attended me on my survey.

2926. Was your attention particularly drawn to the Old Harbour ?—Yes, it was.

2927. Having seen Mr. Walker's plan, I do not wish to ask any questions that would raise any question of rivalry between two engineers, but I must ask you your opinion respecting that plan ; you know the position of it ?—Yes, I do.

2928. With respect to Mr. Walker's plan ; in the first place, having taken into consideration the position of the old docks, and the situation of the warehouses in Hull, and the position of the town of Hull with its trade, I first ask you will the site which Mr. Walker has selected for his docks be convenient for those purposes ?—Not for the purpose of the existing trade, having regard more especially to the trade which now goes into the present docks.

2929. And to the Old River ?—Yes, to the Old Harbour.

2930. You see that the communication with that place from the town is over the North Bridge ?—It is.

2931. In point of contiguity to the town will it be a convenient situation for the purposes of communication ?—I think not.

2932. Do you know the position of the railway also ?—Yes, I do.

2933. It is almost as remote from the railway as it can be, having any contiguity with the town ?—It is very remote from the railway in point of distance, and more so with regard to the roads that approach to it.

2934. Supposing the Old Harbour was to be turned into a dock, there would be no difficulty in making communications over from the west side to the east side of Hull that might be thought necessary ?—I think it would be an interruption

*J. M. Rendel, Esq.*

23 June 1840.

to the dock proposed to be made in the Old Harbour to have more than two communications.

2935. Could you have two?—Yes.

2936. Where will they be proposed?—At the north end of the proposed dock.

2937. That would be considerably below the North Bridge?—Yes.

2938. And the other, where?—The other over the south end.

2939. I must ask these questions as introductory to this question as to Mr. Walker's plan, if the old River Hull is continued as a harbour of refuge and navigation, could there be any communication made over it below the North Bridge, in order to communicate with Mr. Walker's dock?—Not without a serious detriment to the existing conveniences of the Old Harbour.

2940. I should like to ask whether those inconveniences are of such a description as to preclude the probability of its being made; are they slight inconveniences, or inconveniences that would prevent communication being made?—I presume it would amount to such an inconvenience as would compel the owners of warehouses in the Old Harbour to resist any such work.

2941. Would the inconveniences be such as to amount to a prohibition?—I should think that they would; that is lower than the present North Bridge.

2942. And the communication therefore to this site must always be sought more from the northern bridge?—Yes.

2943. Is there any anxiety at Hull to remove the northern bridge higher up the river?—No, I am not aware of it.

2944. I will now take you to some of the details of Mr. Walker's plan; you perceive there is to be formed first a basin four-and-a-half acres?—Yes.

2945. Which extends altogether beyond the foreshore?—Yes, it does.

2946. You see the walls by which it is to be carried out?—Yes.

2947. Do you know the position of the Ebbles Rock?—It was pointed out to me when I was at Hull.

2948. According to the best judgment you, as an engineer not acquainted with navigation, can form, do you imagine that that projection into the navigation will be an impediment to the navigation, or produce any danger to the navigation?—What kind of danger do you allude to?

2949. I mean the necessity of shaping their course between the Ebbles Rock on the one side, and that wall on the other?—I do not apprehend much difficulty of that kind.

2950. With respect to the projection, I need hardly ask you whether that will have a tendency to the warping up of the foreshore to the east and west?—I quite feel, with Mr. Walker, there would be a disposition to warp up from any projection thrown out beyond the present line of high water.

2951. And the tendency will be increased in proportion to the extent of that projection?—Yes, it follows as a matter of course.

2952. Seeing what is laid down upon the plan before you, which is laid down to a scale, do you think there would be considerable silting up on both sides, east and west?—I have no doubt there would be a very considerable silting up on each side of such a projection, and more particularly on the western side.

2953. Do you know the present channel of the river?—Yes.

2954. Do you know the mud bank extending in front of the Garrison Jetty?—Yes, near the entrance of the Old Harbour.

2955. Did you hear the evidence which stated that that mud bank has increased of late years?—It is very manifest it has increased, from the existence of two old dolphins there.

2956. In what direction has it increased?—The outfall of the channel has gone considerably to the westward.

2957. Is that going to the westward increased by the formation of that mud bank?—Of late years a great many projections have been thrown out along the shore opposite the town, and those projections have given a tendency to the mud to accumulate along that shore.

2958. Has that accumulation mud on the eastern side of the entrance into the Humber been one cause of the shifting of the channel; has that diversion of the channel to the westward been occasioned by the increase of the mud on the eastern side?—It has been occasioned by the general increase of mud along that shore.

2959. Now, have the goodness to tell me, whether or not you think that a silting up will take place from that projection which Mr. Walker has suggested,

up



up to and joining with that accumulating bank on the east side of the Hull?—I think the natural consequence of any projection, such as would be necessary to form Mr. Walker's dock, or the basin shown upon my plan, would have a tendency to accumulate mud from the projection in front of either of those plans up to the point shown upon this engraved map, called the Humber Bank.

2960. Up to a point considerably beyond the railway?—I will tell you how much it is above the Humber Dock basin; it is about 1,200 yards.

2961. Does that point project more to the southward into the Humber than the shore below?—Yes.

2962. Is it your notion there will be an accumulation of mud to the northward of the straight line drawn from that point, and the next projecting point down the river?—I think the ebb tide being checked by the projection of the basin, necessary to the execution of either plan, would tend to increase the deposit of mud, and there is now, I should say, a deposit going on within that line, or within the line drawn from the point of those basins to that point called Humber Bank, all that part being, as it appears, in a recess.

2963. In your judgment, will the accumulation of mud there be limited if that long straight frontage were made to the river; would it have a tendency to wash out near to that straight entrance?—I think any erections on the bank of such a river as the Humber, should be in straight lines, corresponding as nearly as they could be made with the sweep of the tide.

2964. Then I infer from what you state, that every indent will more or less have a tendency to silt up?—That has been the experience of almost every one engaged in such works.

2965. Have the goodness to tell me where there are indents of any kind, whether the mode of clearing them must not be by sluicing them, or by some artificial means?—Yes, by artificial means.

2966. Do you know the Craunch?—Yes.

2967. Have you been able to ascertain whether that is increasing or not?—That particular bank you allude to, for craunch at Hull, applies to all formations of the sort you allude to.

2968. That large bank of hard materials opposite Hull?—I got out from the boat on it, when I was at Hull, they were then excavating it.

2969. Had you any means of judging whether any portion of it was recent accretion, or old accretion?—It is very manifestly an artificial accretion.

2970. Explain what you mean?—I mean it is composed of foreign materials, that it is not the natural formation of the river, but composed of materials that have been thrown in somewhere or other in the Old Harbour for the protection of the banks, and by the stream of the Hull river taken down and deposited at this particular point where the Humber tide was strong enough to destroy the Hull tide, and consequently it would there accumulate.

2971. *Committee.*] You mean it had been put there by the tide and not by the hand of man?—It is a deposit of debris, that has been thrown there by the tide.

2972. Mr. Serjeant *Merewether.*] Can you distinguish any softish substance that has been thrown down by the water?—Yes.

2973. Did or not the accumulation upon the Craunch, look as if it had travelled or rolled materially?—It had all the appearance of materials that had been washed down with this foreign material, thrown in in great quantities, the silt of the Humber filling those interstices, which made it a very hard mass.

2974. There was the substance of a harder kind, and the interstices filled up by the mud?—Yes.

2975. Did you make any borings there?—Boring was made by Mr. Oldham, and the particulars of it sent to me.

2976. Whereabouts was it made?—Near one of the dolphins I have spoken of.

2977. Which side was it taken, the north-east side or the south-west side?—It was the north-east side.

2978. The one nearest the Garrison Jetty?—Yes, I believe so, they are very close together.

2979. Mr. Oldham is the gentleman who sits very near you?—Yes; I should wish for an opportunity of correcting which dolphin it is, if I am wrong.

2980. Just state the nature of the boring?—The depth bored was 52 or 53 feet.



*J. M. Rendel, Esq.*

23 June 1840.

2981. Just state it?—The first six feet was mud, or what they term there, *warp*, which is the deposit of the river; the next eight feet was the older deposit, silt; the next four feet was what Mr. Oldham has called clay and silt; the next 10 feet was silt, and that silt had some peat in it, peat formation, decomposed vegetable matter; then we came to what appeared to be the very old bottom for the harbour, composed of silt and stone.

2982. Mr. *Hildyard*.] How much of that?—Four feet; then we have two feet and a half of silt and sand.

2983. *Committee*.] May I ask, what is silt?—It is a fine marine deposit, it is generally so considered; we have then some black silt, which is another variety of the same formation; we then come to peat, of which we have six feet, peat and decayed vegetable matter; then we have three feet into the hard compact gravel.

2984. Mr. Serjeant *Merewether*.] Just looking that down, can you tell me whereabouts the old bed of the river would be in that scale?—How much below the present level of the mud at that point?

2985. Yes.—Twenty-eight feet below the level of the mud at which we commenced boring.

2986. That you conceive to be accretion?—I should assume, from this boring, that that was the original bed; speaking with reference to time.

2987. Having made those observations with this boring, I put this question to you, which I hope will be distinct: supposing Mr. Walker's basin to be erected where it is proposed, and supposing the Hull harbour continue to be used for the purposes for which it is at present used, in your judgment will that projected basin have a tendency to injure the entrance of the harbour for the purposes of navigation?—There is no doubt in my mind that the tendency would be to drive the entrance to the present harbour still further to the westward.

2988. Supposing there had not been that accretion of mud on the eastern side of the Hull, the access to the harbour, coming up the River Humber, would be more direct, and nearer to the Garrison Jetty?—Yes, it would have been more open and more easily made.

2989. Is it not therefore clear there is an inconvenience to the navigation in proportion as the channel is driven to the westward?—In proportion as the channel is driven along the shore, called the Southend Shore, I presume, from the information I collected at Hull, it would become inconvenient for the entrance to the Old Harbour.

2990. Now we will look at the basin; the basin is to be four acres and a half; when you get into the basin, it has two side walls, and then going down across the basin you enter the lock that leads into the proposed dock?—Yes.

2991. It is proposed that the steamers should go to that basin; in your judgment, will it be a convenient position for steamers to lie in?—I think not.

2992. At low water they must take to the mud?—Yes, in the first place it is only proposed to make the excavations five feet lower than low water; and from the day they are made they will begin rapidly to become less, and of course, steam-boats would rather be afloat than aground.

2993. The nature of their machinery, and the projecting paddles, makes it particularly inconvenient for steamers to take to the ground?—The nature of their build makes it extremely inconvenient; but I should say, that the thing is now done in the Humber, and it is because the quantity of mud is such that they make themselves almost a feather bed.

2994. There is so large a quantity of mud, they settle down?—Yes, they make themselves fair bearings.

2995. That is more soft, the surface mud than the lower mud?—Yes, and the more recent the formation, the better for the berth they make for themselves.

2996. I understand you to have said already that the basin will have a tendency to silt up?—That follows as a matter of course.

2997. Will it be to a considerable degree or a small degree?—I think to a considerable degree, because, for the purposes of effectual shelter, it is almost surrounded, and has a small entrance.

2998. That basin would be enabled to be scoured, in some degree, by the water let out of the proposed dock, if formed?—Yes.

2999. Would that scour have the tendency to scour the centre of the basin?—It would, unless they had their sluices well arranged; if there were sluices made through

through the walls, parallel with the line of the lock, so as to sweep the whole of that side of the basin, then, as a matter of course, it would operate upon the whole of that side of the basin, but the difficulty of sluicing in that basin would be, that the entrance would check the discharge of the silt.

*J. M. Rendel, Esq.*

23 June 1840.

3000. Supposing the sluices were put as you say, some of them almost parallel with the sides of the basin, then they would wash the sides; but the south wall would make an impediment to the outflow of the mud?—I will endeavour to explain what I mean: a current would, of course, issue from the sluice in the direction of the sluice, and it would be in a straight line with, or rather in a parallel line with the lock, and, of course, the strength of the current would give it a tendency to continue the straight line which it had at its discharge.

3001. Would it meet with resistance from the southern walls?—Yes, I think it would, the mud being so small in comparison with the side of the basin, the sluicing would be less effectual.

3002. In your opinion, would it produce some deposit; it would wash the mud in some places, and produce a deposit in other places; what would be the shape and form of the deposit?—It would be useful to describe, that the operation of sluicing in a situation of this kind, would be to place men with rakes, and to rake the mud into the issuing current; but I presume the cheapest and most effectual mode would be to take it out by the dredging-boat.

3003. I wanted to see in what form the mud would be left with this sluicing process, with a view of ascertaining whether steamers would have good berths after the sluicing had taken place?—It would depend upon the way in which it is done; if men are not employed to rake the mud into the current, then the mud would be operated upon where the current passed, and it would be in a series of ridges; but supposing the men are employed, as I suppose they will be to rake the mud into the current, then the bed would be less even in proportion as they perform their duty ill.

3004. Is that the mode in which it is performed in the Humber Dock basin?—Yes, I saw it so when I was at Hull.

3005. Do you know whether there they leave good berths for steamers?—No, I did not observe.

3006. Having asked you this question with respect to the basin, suppose the steamers get there, and can lie there, with the exception of the timber-pond, is that the most remote point from the railway?—Yes, you may call it the most remote; it is the same as the eastern part of the dock.

3007. Have the goodness to tell me are those steamers employed at Hull, a great deal employed in carrying passengers?—Yes, I should think so, from what I saw of the Wilberforce landing her passengers at the Vittoria Inn.

3008. It is in Nelson-street?—I believe they call it Nelson-street.

3009. When was it you saw the Wilberforce?—I think the 6th, 7th, or 8th of March last.

3010. She had come there to the side where the inn is?—Yes, she had berthed herself there; I do not know whether she is in the habit of doing it; I rather think she is.

3011. The inn was close by?—Yes.

3012. How did she berth there; what was her condition?—She took the ground; it seemed to me to be rather a bad ground for a vessel of that class to bed upon.

3013. I wish you to explain to the Committee the inconvenience of her berthing?—I should say that is almost the worst ground in the neighbourhood for a vessel to berth upon; it seemed to be formed partly of mud and a small portion of the materials forming the Craunch.

3014. So as to give a hard bottom?—I think it appeared an easy bottom, but there are witnesses in the room who can prove it better than I can, from more local knowledge.

3015. I do not see upon Mr. Walker's plan any arrangement for any inns or places for accommodation for the passengers?—No, but there is plenty of ground there.

3016. But till they are made they must seek their way up to the North Bridge to get into the town?—Certainly.

3017. Now the dock near that is 14 acres, and we will take that dock by itself; I will take the dock in the first instance without any of its accompaniments, without the timber-pond and without the communication with the Hull;

*J. M. Rendel, Esq.* in your judgment would it have any tendency to silt up?—The same as all the other docks.

23 June 1840.

3018. Can it, in your opinion, be conveniently sluiced, or will there be an inconvenience in it; if the communication is not made, there will be no convenience to sluice it?—No.

3019. What effect will it have upon that dock?—I do not conceive that sluicing a dock of that sort, however convenient the apparatus for it, would be effectual.

3020. Just state why?—With so large an area you cannot bring in practice; it is all very well to talk of it as a scheme; you cannot bring the current of water to act upon a large level surface such as that dock.

3021. That dock is to be formed, we understand, with locks and gates for large vessels to go into it?—Yes it is.

Mr. *Hildyard* stated that Mr. Walker had stated that the mode of cleansing the dock and basin would be by dredging and not by scouring, and therefore it seemed unnecessary to go into that examination.

Mr. Serjeant *Merewether* was heard in answer to the observation, and stated he had finished his examination on the subject.

3022. Mr. Serjeant *Merewether*.] Now I wish to ask you with respect to the dock; it is constructed for the introduction of large vessels?—Yes.

3023. Supposing a large vessel to go in there and be in there with its cargo, supposing the cargo to be timber and the timber is to be left there, do you know whether that is not just the position of things at present, that vessels go in and discharge timber and leave it floating in the docks?—I understand that is the practice.

3024. Supposing timber or any other cargoes there, must it not be carried by lighters into the River Humber and go round to the old docks or the river, or be taken by carts round to the North Bridge?—Yes, unless it is rafted, which is more convenient.

3025. I am speaking of cargoes generally?—Yes, cargoes generally; certainly.

3026. Timber must be rafted out into the Humber and then into the Old Dock or Old Harbour; what time of the tide could it come out?—I presume they would take it out when there would be the least loss of water in the dock which would be at high water.

3027. Supposing it was taken out at high water, at that time the tide would begin to ebb in the Humber?—Yes.

3028. Where could that raft be taken when it got out there; could they take it against the tide up to the Old Harbour or the dock?—It would be very awkward taking the raft against the tide.

3029. Supposing they could not take it against the tide, would it remain there till the next ebb?—No, I take it that they would go, awkward as it is to do it, against the tide, take it into the Old Harbour or some place where they designed to take it.

3030. Is that a convenient mode?—No, certainly not.

3031. Would you describe it as one of the inconveniences connected with the position of a dock there?—I should certainly think it would be a very awkward thing to have to transport goods or timber in the way you describe.

3032. With the wind to the south-west, would it hardly be possible to manage it with a strongish gale to the south-west?—Oh no, they would not attempt it.

3033. At high tide, with a wind not to the south-west, then it might be used?—Yes.

3034. Can you tell me whether in point of fact lighters coming out of the dock and into the Humber will be exposed to danger and difficulty in going up to the Old Harbour or the docks?—In going from one dock to the other?

3035. In going from Mr. Walker's projected dock to any of the warehouses in the Old Harbour, or any of the places of trade surrounding the three docks, would the lighters be exposed to danger besides the ordinary expense of proceeding from the dock?—If they come out deeply laden in blowing weather, and under the unfavourable circumstances you might presume, one might say they would be in danger; but if they come out in favourable circumstances, the only thing would be the inconvenience.

3036. But those inconveniences, more or less, are always represented by the expense; it comes to the cost?—Yes, what we call inconvenience is measured by the cost of it.

3037. Those

3037. Those lighters, in the same sort of way, would be regulated very much by the state of the tide and not wasting the water in the same manner as the rafts?—I presume so. *J. M. Rendel, Esq.*

23 June 1840.

3038. Supposing there is no timber-pond, then the timber must be discharged into the docks and be floating with the vessels in the same manner as in the other docks?—If the timber-pond is not made, of course the timber must be allowed to float in the dock, unless it is taken out in the way we have been describing.

3039. Suppose a raft of timber had got out of the dock at the time of the tide you have mentioned and got into the basin, and a strong south-west wind sets in, and the timber should not be able to leave the basin, will there be any difficulty in the entrance of ships into the basin?—That is a question of degree; if the quantity of timber is such as materially to interfere with the occupation of the basin it would be an inconvenience.

3040. It is an inconvenience that might arise?—Yes, it might possibly arise if parties transporting timber were allowed to leave the timber in the basin.

3041. Supposing the timber-pond was made, the timber must, as I conceive, be first taken out of the vessels and from the vessels moved into the timber-pond?—Yes.

3042. When it has afterwards to leave the docks, it must be taken out of the timber-pond into the docks, and go through the basin into the river; does the position of the timber-pond increase the difficulty or trouble of it to any degree?—If the timber is to be transported by a vessel, as a matter of course, the way you have described will be the way it is done; but if it is to be transported by the carts or waggons or any other way, then the waggon or cart would come to the side of the timber-pond and take it away by the roads.

3043. By the North Bridge?—Yes.

3044. I believe the mode of managing the docks, to which I have drawn your attention, is upon the supposition that everything is obliged to come out of it through the basin into the harbour; supposing there is a communication made from the north-west corner of the dock into the River Hull, would that be an additional convenience to the plan?—I should say it is almost absolutely necessary to the convenience of the port.

3045. Do you form that opinion, that the communication is necessary, with a view to bring the dock more immediately connected with the town and the Old Harbour?—I say so, having reference to the general conveniences of the harbour and docks.

3046. In your judgment, would a dock, placed where Mr. Walker has placed his dock, without such a communication with the river, afford scarcely any convenience to the town of Hull?—I should say it is entirely a new site for trade, and therefore would be one that would give rise to almost a new town of Hull round it; I cannot imagine anything else; it is separated from the existing docks and the town of Hull by the navigable River Hull.

3047. In point of fact, is not it almost necessary to make the dock useful; and if it does not take place, will not the dock, from its distance from the town, be comparatively useless?—I should say, that the nearer the dock is to the existing town, the better for the existing town.

3048. Supposing there is no communication made by Mr. Walker into the River Hull, that of course cannot be used as a communication to the Old Dock, provided the Old Harbour continues a tidal harbour excepting at high water, can it?—No, certainly not.

3049. Supposing vessels or timber rafts, or any thing of that kind, at high water coming out of Mr. Walker's communication and seeking to go into the Old Dock, will that at high water be likely, in your judgment, to cause any inconvenience to the trade passing up and down the navigation of the Old Harbour?—That is supposing the communication made.

3050. Yes, supposing the communication made, and used by ships and timber at high water, in your judgment, will that produce an interruption to the navigation of the Old Harbour and the River Hull, their having occasion to cross the river?—The whole of the Old Harbour below the North Bridge is very much appropriated, and very much used by the shipping, and as a matter of course, it is therefore inconvenient to the thoroughfare; if vessels have to pass from one dock to the other at high water, when all the vessels are in a state of motion which are to be moved in the existing harbour, inasmuch as you have more mooring in a limited space, you inconvenience those that are there.

*J. M. Rendel, Esq*

23 June 1840.

3051. My question is founded upon the assumption that there is no other communication but through the old River Hull?—Yes.

3052. That may cause a difficulty?—Yes.

3053. It is adding to the difficulties and inconveniencies of a river that is already too narrow for the trade?—Yes, it is.

3054. I think I have asked you, with respect to Mr. Walker's plan, with respect to the steam-boats and the lumber trade, and chiefly the mode in which that trade would be carried on without a communication with the Hull and with a communication; will the inconvenience you mention apply to the general trade of the town of Hull, as well as with reference to the timber trade and steamers?—What particular trade do you allude to?

3055. To the goods coming here; and if the communication is not made, being obliged to be carried round to their destination, or going by carts over the North Bridge?—It is manifest, if the dock is made where designed, to the east of the citadel, that those conveniences to the town of Hull will almost demand a communication across the Old Harbour.

3056. That, you say, in your judgment, will almost amount to a prohibition, from the inconvenience to the navigation?—It would exceedingly inconvenience the navigation of the Old Harbour.

3057. Treating the Old Harbour as a harbour of refuge, would that communication from Southend to the south-east corner of the citadel interfere with it as a harbour of refuge?—It would very materially interfere with it as a harbour in every respect.

3058. Now then, I have before asked you with respect to the observations you made upon Hull, of the localities and the position of the trade at present; are there a great number of warehouses at Hull along the line of the Old River?—Below the North Bridge on the western side, with the exception of one or two ship-builders' yards, the shore is entirely covered with warehouses.

3059. Is that the great collection and a continued line of warehouses in the port of Hull?—Yes, it is.

3060. From the nature of the buildings, and so on, does it appear that that has been the old and ancient place for the trade of Hull?—I should infer, from the kind of buildings, that it was the commencement of the trade of Hull.

3061. There are some warehouses belonging to the Dock Company round the new docks?—I cannot speak of my own knowledge of that.

3062. Considering this property on the side of the old River Hull, was your attention drawn to the circumstance, and did you consider the propriety of converting the River Hull into a floating dock, and making a new channel for the river?—Yes, I did.

3063. Do you happen to know that that has been done at Bristol?—Yes, years ago.

3064. Have you seen it?—Yes, I know it very well.

3065. I believe that had the effect of bringing the shipping to the old warehouses in the very middle of the city of Bristol?—It has had the effect of making what were old tidal rivers into a float running through the town.

3066. In your judgment, can that practically and easily be done at Hull?—I think so.

3067. Supposing it to be done, in your judgment, will it afford better and more convenient and more beneficial use of the warehouses along the line of the River Hull?—Undoubtedly it will do so.

3068. Will it give a more beneficial application to the capital that has been invested in the building, and maintaining of those warehouses?—I presume that those warehouses belong to the merchants of Hull, for whose purposes these docks are made, as it appears to me.

3069. Just allow me to ask you at this moment, with regard to Mr. Walker's plan; at present, there are no houses at all where Mr. Walker's dock is to be placed?—No, I presume that was one very great reason for taking it.

3070. Assuming that to be the reason for taking it, there is no calculation by Mr. Walker of the expense of building sheds and warehouses there?—I know of none.

3071. Just give me your answer upon this comparative point of view, whether greater benefit will not be produced by the Old Harbour being made a dock with those warehouses, and at a smaller expense, than that benefit can be obtained where Mr. Walker proposes to put his dock?—I presume, from all I heard, whilst

whilst making my survey at Hull, that additional dock room was required, and that it would be desirable that the increase should be as nearly 20 acres as could be conveniently obtained; the question which I considered was, where that increase could be most advantageously made with regard to the existing trade.

*J. M. Rendel, Esq.*

23 June 1840.

3072. What I want particularly to draw your attention to, is, whether, in order to make Mr. Walker's plan as effectual for warehouse room and warehouse purposes to the trade that seeks warehouses, whether first or last, there must not be a great expense incurred around that dock to make warehouses there to answer that purpose?—I should imagine that the dock will require warehouses.

3073. Is not its utility very much lessened if there are no warehouses?—Obviously.

3074. If you lay out capital in making a dock where there are warehouses existing, or where there are no warehouses existing, is there any comparison in point of expense?—The construction of warehouses will, of course, be an expensive operation; and if a dock is made where warehouses are in existence, there the expense of making them will of course be saved.

3075. Having those objects in view, I understand you suggested the converting of the Old Harbour into a dock; you propose to do it by forming a dock projecting from the foreshore on the south, and putting a lock in the river to the north, is that so?—Yes.

3076. Just state to the Committee the mode in which you propose to form the southern part of that dock next the river; there are to be walls I presume?—If the Committee will follow me, I will describe, as nearly as I can, the way the thing is to be done according to this plan. From what is called Old South-end, the angle of the shiprights' yard, a little to the north-east of Nelson-street, I consider that the commencement of the works; and from that I run off the line at right angles to the line of the foreshore down to low water, that is a distance of 600 feet, which is just the same projection as both Mr. Walker's plan and my plan contemplate, as necessary for the basin.

3077. Will your front line project as far as Mr. Walker's?—Not quite, but very nearly.

3078. Will you measure the difference, if there is any?—It is not more than 50 feet; it is a little more than 100 feet.

3079. Be so good as to ascertain it accurately, that we may have no doubt about it?—I was nearer at first; the difference at the extreme, would be as nearly as possible, 50 feet.

3080. Mr. *Hildyard*.] You measure to the south-east point of Mr. Walker's basin wall?—I take Mr. Walker's south-eastern angle, and I take the projection of my south-eastern pier.

3081. *Committee*.] Is that the pier of the docks, or the pier of the new channel?—It has reference to both; it has reference to the south-eastern angle of the basin, as laid down in Mr. Walker's plan, and also to the southern point of the pier, as laid down in my plan, and the pier of the new river.

3082. Mr. Serjeant *Merewether*.] Does not it project beyond the southern part of your new dock?—Yes, it does.

3083. Can you tell us how much that is?—The projection here beyond the general line of the foreshore is 120 feet.

3084. It projects 120 feet?—Yes.

3085. The difference of Mr. Walker's is 50; does it project, in point of fact, beyond Mr. Walker's?—No; you asked me how much the eastern pier laid down in my plan, projected beyond the line of dock, and I answered it by saying, 120 feet; Mr. Walker's extreme projection beyond the line of my dock, would be as much more than 120 feet as I gave you just now; it would be 170 feet.

3086. So that the line of the front of Mr. Walker's would be 170 feet more to the southward than the line of yours?—We are speaking of two things.

3087. I understood Mr. Walker's south-eastern angle projected 50 feet beyond the south-eastern pier of your new channel; is that so?—Yes.

3088. And I understand that the south-eastern pier of your new channel projects 120 feet beyond the face of your southern wall of your new dock?—Yes, that is right.

3089. Therefore Mr. Walker's south-eastern angle projects 170 feet more to the

*J. M. Rendel, Esq.* the south than the straight line of the southern part of your new dock?—Yes, it does.

23 June 1840.

3090. Now, have the goodness to tell me in what manner you propose to construe that construction from the angle on the Southend side, round to the angle of the citadel?—With the exception of the return walls of the entrance lock, which would be done with brick and stone, I propose what in the neighbourhood of Hull is called wood-wharfing, from Southend to the dotted line upon the engraved plan, running off from what is called the southern blockhouse.

3091. The southern blockhouse is at the south-west angle of the citadel, is it not?—The whole length is 1,200 feet.

3092. *Mr. Hildyard.*] Just explain, on your own small plan, where the wood-wharfing commences?—(*The Witness marks it upon the plan.*)

3093. *Mr. Serjeant Merewether.*] That is to be wood-wharfing, with the exception of the return walls of the lock?—Yes.

3094. This would be stone and brick?—Yes; I should explain from the eastern termination of that wood-wharfing up to the citadel bank, would be formed into a sloping embankment of some hard materials, which will be described in the estimates.

3095. With respect to that wood-wharfing, is that the same sort of construction that Mr. Walker spoke of for his?—Yes, I believe it is; it is the kind of wharfing which is common where timber is cheaper than stone and brick.

3096. I purposely abstain at present asking you anything about the lock introduced on the eastern side and communicating with what is marked on your plan as “Additional Dock;” you have stated that that work will go round on the eastern side of the basin?—Yes.

3097. Now in the same manner, I do not ask you at present anything but just whether upon your plan is drawn your lock to the north; I see that a little below Thornton-street?—Yes, but you had better describe it as a little below Salthouse-lane, which is in the town of Hull.

3098. Will that lock be formed in the ordinary manner that such locks are, of brick and stone?—Yes.

3099. Have the goodness to inform the Committee what you intend doing on each side of the harbour between those two points; your lock to the north and your basin at the entrance to the south?—I propose building the two locks shown on the plan, one communicating with the Old Harbour as it is termed, or the Hull, and the other with the Humber, in the way shown upon the plan; the north lock being of the same size as the present lock into the Old Dock, and as I believe the Junction Dock lock, the southern lock, the same size as the existing Humber Dock lock.

3100. It is suggested that a larger lock might be made to enter the Humber Dock, with the view of admitting steamers; do you intend that steamers shall go into your dock or not?—No, I do not.

3101. Therefore you have not made your entrance lock wider than the entrance lock into the Humber Dock; is that so?—Yes, that is right.

3102. Now have the goodness to proceed?—I propose dividing the dock, speaking now with regard to the depth and capacity; I propose that the upper part of this dock, I mean that portion which would be cut off by a straight line from Blackfriar’s-gate on the engraved plan, to the angle of the intended dock wall on the opposite side, all along to the north of that line is intended to be of the depth of 20 feet at high water spring tides, and that which is below not less than 23; but according to circumstances, there is the common allowance there of the difference of six feet; that would give us 10 acres of dock of the deeper kind, and seven acres of dock of the shallower kind.

3103. That is with respect to the depth of the dock?—Yes.

3104. Now tell me how you propose forming the sides of the new dock you make between the two dock gates?—All that part which I have described as the deep part of the dock would be wharfed with walls composed of brick and stone on a piled foundation.

3105. In the same manner as Mr. Walker has adopted?—Yes, and as the other constructors in the port have adopted in the Hull. The upper part of seven acres would be wharfed so as not to run any risk with the warehouses, but timber and iron, what is commonly called iron-wharfing, only; instead of using it entirely of iron, I propose the lower part of the wharfing to be of wood.

3106. Which



3106. Which side are you speaking of now?—I am speaking of the whole of that portion which is above Blackfriar's-gate and the opposite angle, the whole of the shallow part of the dock.

3107. I observe at the bottom of your plan, where the piers are to be made to enclose the dock, there is a large wide space coloured red, what is that to be used for; I presume they are wharfs?—Yes, they are wharfs.

3108. Open wharfs?—Yes.

3109. Just tell me, going upwards from the north, what will be done from Blackfriar's-gate up to the north lock; what do you do with the warehouses on the western side of the river?—It is proposed to run a wharfing in straight lines, as laid down on the plan, which will give generally as a medium width on the line of the existing warehouses, about 25 feet; nowhere less than 20 feet, and nowhere exceeding 30.

3110. The mean will be 25?—Yes, as nearly as possible.

3111. Along the whole of that line?—Yes.

3112. Answer me the same question as to the other side?—After taking off that portion which we subtract for widening the dock, the width would vary from 75 to 90 feet.

3113. Now you have said that on the town side the wharfing was to be made in a straight line, will that improve that side of the harbour?—Do you mean with regard to the convenience of the shipping, or the convenience of the warehouses.

3114. The convenience of both?—With reference to the shipping, their convenience would be greatly increased by this being a floating dock; instead of taking the ground they will always be afloat; and with reference to the communication from the streets, the proposed wharfing will be a very great convenience, because, instead of being stopped by the limit of the staiths, as they term them, there will be a road all the way from Blackfriar's-gate on the south to Salthouse-lane on the north.

3115. And 25 feet wide the average width?—That would be the average upon the mean, between 20 and 30 feet.

3116. Would that be sufficient for the use of the warehouses and merchandise generally?—Having regard to the description of traffic that will be carried on by the side of such quay, which would be governed by the warehouses in existence, I should say it would be.

3117. As there are warehouses close by, the things would be removed from the quay and put into the warehouses?—A very large proportion of the vessels that would be discharged there, would be discharged in the usual way into the warehouses by projecting cranes.

3118. With respect to perishable goods, that must be a great advantage?—It is always considered so.

3119. You have stated you take off on the eastern side nearest the citadel a part to widen the dock?—Yes, we do.

3120. Is that desirable under the circumstances?—Yes, it is because it increases the width of what is already very narrow.

3121. The conflict would be between reducing the wharfage on the one side, and the expediency of widening that dock on the other?—Yes.

3122. Have you adopted the line which you think would be the proper one?—I have endeavoured to make the dock as wide as would be consistent with the convenience of the shipping, leaving as much as possible for the convenience of the wharf.

3123. Will the width of the wharf be sufficient for all the purposes for which it is probable to be required to be used?—It is as wide as almost any of the wharfs alongside the existing docks.

3124. Just look at the Old Dock and see whether the new dock by the side of the warehouses will be about the same width as the Old Dock.—I suppose, taking the average, it will be just the same width; it is a little narrower at the upper end, but generally, except at the upper end, it is wider. That which you call the new part of the dock is the short width; it is 525 feet.

3125. Now I wish to ask you a question with respect to your lock at the north; it does not at present communicate with the Old Dock?—No, it does not.

3126. There will still be the interposition of the tidal harbour between the Old Dock and your lock?—Yes.

3127. You consider it would not be so desirable as if you had a communication



*J. M. Rendel, Esq.*

23 June 1846.

tion with the Old Dock?—I should say certainly it would be more convenient if we had a communication with the Old Dock.

3128. If all these docks were united together, could there possibly be a better combination of dockage for the town of Hull?—No, I should say that if all these docks could be connected, Hull would have an advantage over almost any other port I know of as to dockage.

3129. That being the case, you, thinking it beneficial to the port, a tidal harbour objectionable, and the union most desirable, state to the Committee your reason for not adopting it?—I was deterred on the score of expense; I had no idea that the amount of convenience that such a communication would give to the town would justify the expense.

3130. What is the particular ground of the expense?—The purchase of so much more valuable property for the new channel of the River Hull. If the lock is placed further up, we not only lengthen the new channel, but throw the line of it into a description of property very expensive to purchase.

3131. The only objection, as I understand you, is the expense of it?—Yes; as far as the trade of Hull is concerned, it would be much facilitated by such a communication.

3132. It is a mere question whether the advantage given to the trade by it would be equal to the expense occasioned?—It is a matter of comparison between the cost and the advantage.

3133. Irrespective of expense, the higher you carry the wet dock, would it not be better for the town of Hull?—Yes, I think so; and if I was a proprietor of property on the shores of the harbour, I should wish it to be extended as far as possible.

3134. When you say you think so, do you express that doubtingly?—No, there is no doubt that if the whole of the docks could be connected so that vessels could pass from one to the other at all times of the tide, the better it would be for the town.

3135. The further your penned-up dock went up the river the better it would be for Sculcoats and the neighbourhood?—Having reference to the trade of the port, it would be better; having reference to the drainage, it would be worse.

3136. With respect to the drainage, if you went up higher and made a new cut, and carried off the water in a new direction lower down the river, would not that also improve the drainage?—Yes, if you were to make a new channel for all that falls into the River Hull, which is very zigzag and circuitous and obstructed, the better it would be for the drainage, as a matter of course.

3137. The further you go to the eastward the better will be the outfall and the outflow?—Yes, taking that as a principle it would be so; but the difference of level between the Humber at this point and a mile or two lower is very trifling.

3138. As far as it goes, it does not go to aggravate but diminish it?—Yes, certainly.

3139. Is there much trade carried on to the north of the North Bridge?—I should say a great deal, because I observed, for a very considerable distance above North Bridge, large wharfs and large stacks of timber, and a very considerable amount of water-side accommodation.

3140. Are there not a great number of timber-yards there, and is there not a considerable portion of timber that goes to that part of the river above North Bridge?—There seemed to me a vast quantity of timber in store along the river.

3141. *Committee.*] Is the North Bridge a stone bridge?—It is a bridge with stone piers and iron arches; and the centre arch made to open to let vessels through.

3142. *Mr. Serjeant Merewether.*] Do you happen to know if there are considerable places for deals on the north side of the Old Dock?—Yes, I observe some bonding-yards there.

3143. I see raft-yards put down on the public map?—There is a considerable extent of bonding-yards.

3144. Do you know if there was any bonding-yard destroyed by the railroad?—No, I do not know that.

3145. Now, then, I would ask you, with respect to the new channel, the line you have taken for the new channel; I believe you have given in to-day a plan in which Mr. Walker's line is laid down in red ink, on the same plan that yours is laid

laid down?—Yes, I have laid down the plan of the docks as laid out by Mr. *J. M. Rendel, Esq.*  
Walker, upon the engraved plan showing my design.

3146. I believe that both of you go through the timber-pond, at present, of Mr. Harrison?—Yes, both plans. Mr. Walker's intended canal of communication passes through it; and the new channel for the river, as laid down by me, passes through it.

23 June 1840.

3147. Your channel is wider than Mr. Walker's?—Yes it is.

3148. And of course takes more of the timber-pond than his?—Yes.

3149. According to your judgment is the line you have laid down for that new channel convenient so as to carry off the water of the Hull, directly and perfectly into the Humber?—I think it is.

3150. Is there anything objectionable in the curve or line of your channel?—I think not, nothing of the kind; whatever form we were to make the outfall of our new channel, it would always take the form of that circular wall I have laid down, and which I see Mr. Walker takes for the entrance to his basin, from the tide in the Humber being so much stronger than the ebb from the Hull.

3151. So that you have given the curve you have got to that line in order to meet what you conceive will be the natural flow of the water?—I presume the Humber tide being the master tide, it will always have a tendency to turn the mouth of the Hull river to the westward.

3152. Now proposing to make that cut, in your judgment, will it at all injure, or if anything, have a tendency rather to benefit the drainage of the country above?—Yes, I think it will; and I should say why—the Old Harbour below the North Bridge, down to what is called the Craunch, is very much obstructed.

3153. Will you mention how it is obstructed?—By the large quantity of chalk, and matters that are thrown out to make a flat bottom for the river so as to resist the stream, that the vessels may berth upon it more conveniently than they could upon the circular bed that the stream would give and the natural materials.

3154. That has been done to a considerable extent?—Yes.

3155. To an injurious extent has it?—It has had an injurious effect on the drainage unquestionably.

3156. And probably has had some tendency to increase the Craunch?—No doubt about it.

3157. This is done to a very considerable extent at Hull?—There is a very considerable amount of obstruction of that kind.

3158. Will that form any considerable impediment in forming your dock?—No, I think not.

3159. Do you propose to remove some of those obstructions?—Yes.

3160. Will the substitute of your straight wharfing be an excellent substitute for what is there at present?—Yes, undoubtedly it will; but the advantage we get is, that the vessels, instead of grounding, will be afloat.

3161. Do you happen to know whether anything of this kind has been put into the river to secure the North Bridge?—Yes, I should say; I was there at low water, and I observed that the water was ponded above the North Bridge, by some obstruction of that kind thrown in the river.

3162. Do you know whether there has been anything of that kind put in to protect the entrances to the Old Dock?—I did not observe that.

3163. Do you happen to know whether there are shipways on each side communicating with the Old Harbour, and whether there has been rubble thrown in to complete those ways?—No, something of the kind was pointed out to me at one of the docks, but it appears to me to have been a common practice to throw quantities of this stuff in.

3164. Considering the course and flow of the river there, do you think there is any probability of those present practices not continuing if the river is left in its present state?—It seems almost necessary, for the vessels to have a place to berth in, that it should be done, because the bottom of the river in its natural state would be inconvenient for that purpose.

3165. If that practice is continued, will it have a tendency to increase the deposit upon the Craunch?—No doubt of it; the materials thrown on there from time to time give the best measure of the quantity washed away of the materials thrown in to form beds for the vessels to lie upon.

*J. M. Rendel, Esq.*

23 June 1840

3166. Will it have a tendency to affect and injure the drainage up the country?—No doubt about it.

3167. Have the goodness to inform me whether you have had an opportunity of observing whether there is a bed or bar at the mouth of the river?—That craunch forms a bar; I should say it is a series of bars from the North Bridge to the Humber.

3168. Have you observed any facts with reference to the outfall of the river, which satisfies you there is any bar formed there?—Yes, the water continues to ebb out of the Hull river considerably after it is flood tide in the Humber.

3169. Are you satisfied from that there is a pen at the mouth of the Hull?—It shows there is a great obstruction at the mouth of the Hull.

3170. From what you have observed, will that pen be likely to increase or not?—The current of the ebb tide arising from those obstructions below the North Bridge, is very much quickened; that is, there is a greater fall between the North Bridge and the Humber than there is in any similar distance higher up the Hull; so the water has a greater velocity below the North Bridge than above, and of course its capability of removing any soil or ground is increased in proportion as its velocity is increased; and therefore, it operates upon this hard material thrown out in the way I have described, and some portion of it is carried away.

3171. Do you happen to know, whether three hours before and after high water, there is 16 feet water over the Humber, and 10 feet over Old Dock sill?—I was not aware of it.

3172. That is to say, that the obstructions in the harbour would prevent the water finding its level by six feet in that distance?—I take it for granted that the question refers to the relative levels of the sills; the sill of the Humber lock, is six feet lower than the sill of the old lock.

3173. *Mr. Hildyard.*] Just look at the book, and see whether that is the inference to be drawn from what is stated in that book?

*(A book was handed to the Witness.)*

3174. *Mr. Serjeant Merewether.*] Just give the short title of the paper at the beginning?—"An Account of the Harbour and Docks of Kingston-upon-Hull, by Mr. Timperley, the resident Engineer to the Hull Dock Company, and communicated by the President, James Walker, Esq. F.R.S." and so on.

3175. Just read the words?—"Before leaving the subject of the tides, I may notice a curious fact, founded upon repeated observation, namely, that about three hours before and after high water, there is 16 feet water on the Humber, and only 10 feet on the Old Dock sill;" now that is very capable of explanation, it is this, that the Humber Dock sill is six feet lower than the sill of the Old Dock.

3176. *Mr. Hildyard.*] It has reference to the locks, what is there curious in that fact?—Nothing at all; I cannot see anything curious in it; one sill is laid down six feet lower than the other.

3177. *Mr. Serjeant Merewether.*] From what you have seen generally, with respect to the Humber and other rivers, is the deposit more on the ebb than the flood?—The tides in the Humber have only five hours flow and seven hours ebb, and as the strength will be in proportion to the time, there will be more deposit upon the ebb tide than the flood, but it depends in a great measure upon the part of the harbour to which you refer; as a general position it is so.

3178. Having described this pen at the mouth of the harbour, allow me to ask you whether it is not simply by itself an advantage with respect to the drainage and the general outflow of the old River Hull, as well as its accessibility to have a new channel instead of this one in which there is a pen, which you think is increasing?—Yes, I think it would be, and prevent any repetition of the same evils in the new channel that have been experienced in the old one.

3179. Independently, as I understand you, of the consideration of making docks, that new channel of itself would be an advantage?—Yes, it would be an advantage.

3180. If it give you an opportunity also of making a dock, I presume that combination recommends it still more?—I think so.

3181. Do you anticipate any engineering difficulty in making that new channel?—None.

3182. I perceive

3182. I perceive that you have got a basin at the entrance of the new channel? *J. M. Rendel, Esq.*  
—Yes.

3183. And that basin is on the eastern side of the receding part?—Yes.

23 June 1843.

3184. Do you imagine the flow of the stream will have a tendency to keep the eastern side clear?—There is no doubt about it.

3185. There is no projecting angle?—No, there will be a tendency to accumulate on the western side between those projecting points, but the set of the tide, to and fro, in the Hull, will keep open all that part which may be measured by the average width of the channel; and of course it would be a very easy matter to rake out any mud that might accumulate between the piers into the current of the tide: a basin of that kind, having a river passing through it, would be much more easily cleared than a basin without a river passing through it.

3186. The receding part will have a tendency to silt up?—Yes, it will.

3187. Without going through the mode in which you think that basin would be sluiced, would there be any difficulty in doing it to a greater degree upon your plan?—I did not quite catch the question.

3188. Will not the consequence of this being a running stream afford you facilities for sluicing this retiring part of the basin which Mr. Walker would not have?—You would not sluice it, you would employ men to rake it out upon the ebbing tide into the channel, and as there would be a very large quantity of ebbing water, the process of clearing that basin would be much more easy than clearing a basin where there was no river.

3189. You would use the natural course of the stream, which would be much better and more effectual than any artificial means?—Yes.

3190. Do you apprehend any silting up in that basin?—Not the least.

3191. I am supposing this would be better for the drainage and the outflow of the stream; if your new cut was placed there, do you think there, would be any tendency to make a bar at the mouth of that channel?—Not unless materials were thrown out into the channel which have formed the Craunch at the mouth of the Old Harbour.

3192. Would there be as great a temptation to throw out into the new channel as there is into the old one?—Not until the shores of the new channel became as valuable as the old channel, then the temptation might be as great unless it was wharfed; but I should hope that would not be permitted to operate, by the conservator of the harbour taking care it was not done.

3193. You perhaps think that provision would be made to carry into effect a better system of wharfage than in the Old Harbour?—It ought to be, for it cannot be worse.

3194. Supposing that a wall was made south of the citadel, in a straight line; supposing anything in the new cut that should have a tendency to accumulate at the mouth of it, would not that straight wall, and the ebb of the river, have a tendency to wash it and keep it open?—Yes, I think it would.

3195. Have you any apprehension of any deposit there to create any impediment in the front of the new cut?—No, certainly not; because the ebb water from the Hull is brought out below low water in the Humber; the width between the east and west piers, forming the entrance to my plan, is just that which I think the stream of the flood and ebb tide in the Hull would be sufficient to keep open.

3196. You have no apprehension of that kind?—No.

3197. Your attention has been drawn to it?—I have no doubt, whatever, that the quantity of back-water the River Hull brings down would maintain the channel from the basin into the Humber.

3198. Now, I will take you to other parts of your plan; the basin that is 23 acres, I believe?—Within the line of the wharfing, that is, within the line drawn from the southern or south-western point of the proposed dock to the south-eastern point of what is marked on the engraved plan as "Wharfs," that portion of the basin is 12 acres and a half; between the line of the steam-boat pier and the breakwater, we have eight acres and a half, making the whole area of that basin that will be sheltered 21 acres.

3199. Now let me ask you as to the breakwater; that is simply built for the protection of the basin?—Simply.

3200. To break off the effect of any rough weather?—Yes.

*J. M. Rendel, Esq.*

23 June 1840.

3201. The steam-boat pier is the place where the passengers are to land?  
—Yes.

3202. And a bridge communicating with the pier?—Yes.

3203. Will not that bring the passengers by the steamers as close and contiguous to the railway as they can be?—I think it by far the best portion of any of the plans.

3204. As affording facility for communication to the railway from the river, and *vice versa*?—Yes; and nothing can be worse than the accommodation for the steam-boats now in the port of Hull; it is abominable.

3205. Would it be much improved if the steamers are put down in Mr. Walker's basin?—As far as the steamers are concerned, it would be an improvement, but as far as the passengers are concerned it would be very inconvenient.

3206. With respect to that bridge it is to be upon piles?—Yes; some plan must be adopted in making an opening that will leave the current as much as possible unobstructed.

3207. There will be a portion of your line within the line you have drawn between the projecting points, which will have a tendency to silt up?—Yes.

3208. Is there any artificial provision that can be made for sluicing that out?—The proposed dock, formed on what is called the Old Harbour, will be observed to project considerably beyond the present line, and will form by that means the eastern side of this large basin; supposing the system of sluicing to be adopted to clear away the mud, it gives great facility for the operation, by making sluices through the wall; but as I before said, I believe sluicing to be the most ineffectual plan to cleanse this or any other basin.

3209. Is it not found, practically speaking, that where steamers frequent, that there the mud is prevented depositing, and kept floating, and suspended by the action of the paddles, and the passing of the steamers?—Yes; and I might say further, that one object I had in view in making this basin so large, and in leaving it so open was, that there should be the least possible amount of tendency to silt up; and the greatest check to the operation of silting up is by vessels moving freely in so large a space.

3210. You mean steam vessels?—Yes; and inasmuch as the mouth of the basin, by which I mean the point which is included between what is marked on the engraved plan as "Piers," and the point where the entrance of the new dock to be made, is entirely open; the object of sheltering it by the breakwater and pier was, that if a vessel entering the basin stirred up the mud, it should have a tendency to be carried out by the ebb tide; but if I had enclosed the basin, though the stirring might take place, it would not be carried out, but subside again.

3211. Just tell me the opening between the steam-boat pier and the breakwater?—It is 250 feet.

3212. I understood you to say, that to keep the effect of the silting here as low as possible, you rely upon the straight line of the current under your bridge and through the basin, for the purpose of carrying the mud, when moved by the steam vessels, down the stream?—Yes, I would again refer to that. This basin is so large that the steamers would enter freely; and whenever a large steamer or small one comes into shallow water, the bed of the river being muddy, it has the effect of stirring up the mud; inasmuch as there is a running tide within the basin, the mud, when so stirred up, would be carried out instead of subsiding again.

3213. Will the drift through this basin be in the line of the current of the river?—Yes, it will.

3214. Is not that a matter of material consideration?—I think so.

3215. Do you think the effect will be of such use as to keep it washed out, so that the steamers could lie afloat?—In a river, with a bed such as the Humber, I have no doubt that the depth around this steam-boat pier would be increased, from the mere circumstance of the pier being used; a vessel being berthed against the pier in the direction of the stream would produce such a current under the vessel as would scour away the bed; and it is known to everybody who has had any knowledge of rivers of this sort, that the mere mooring a vessel in the bed of a stream will deepen the water.

3216. What depth of water do you calculate upon there for the steam-vessels floating?—We have made the depth over the whole area of the basin five feet; but where the steam-boat pier is built there are from six to seven feet.

3217. And

3217. And you think it will increase instead of lessening, by the process of mooring the vessels there?—Yes, I have no doubt about it, from my experience in other places. J. M. Rendel, Esq.

23 June 1840.

3218. What state of the tide do you suppose when you give me five feet?—Low water spring tides.

3219. *Committee.*] What is the draft of a large steam-boat?—The draft of the largest frequenting the port of Hull will be 13 or 14 feet; but the largest class built, the *British Queen*, is 16 or 17; and I have no doubt they will have 14 feet of water alongside that pier, if the pier is used by vessels.

3220. Mr. Serjeant *Merewether.*] You have stated distinctly the effect of vessels using the harbour; supposing the trade should be drawn out of the Old Harbour of Hull and transferred to these new docks to the east, in your judgment, will that have a tendency to increase the silting up of the Hull at its mouth?—Wherever a harbour of this kind is much frequented, of course the mere fact of its being frequented is a circumstance in favour of its being cleared; whatever stirs the mud, whilst the tide is running over it, will, as a matter of course, carry some portion away.

3221. And when a vessel is lying at her berth the tide has a tendency to pass more quickly under her bottom and wash out than if she was not there?—Yes, and I have known a case where vessels were moored across a stream, with a bed similar to the Humber, and with 10 to 12 feet of water, all of which would be lost upon the removal of the vessels.

3222. Have the goodness to tell me the length of the bridge?—The pier and breakwater as drawn upon the plan —

3223. They neither of them exhibit any angular point that would impede the flow of the stream?—They are built like the piers of a bridge would be, without any obstruction to the flow of the stream; the distance between the dock wall and the east of the basin, and the wharf on the west of the basin to the steam-boat pier and the breakwater, is 300 feet.

3224. I wished to have asked you some questions with respect to the manner in which the warehouses on the side of the harbour are used; are you aware of that?—No, I am not; you will get better evidence of that.

3225. With respect to the trows and river craft, have you taken them into consideration in forming the new cut?—Yes, I have.

3226. Will your new cut afford the conveniences for them?—I conceive that it will afford great accommodation to all the small craft that frequent the river.

3227. Do you happen to know that they at present suffer inconvenience from being mixed with the large vessels in the Old Harbour?—Whilst I was in Hull, I saw two that had been sunk by coming in contact with larger vessels.

3228. With reference to Hull as a harbour of refuge, do you know that there is an exemption for all vessels going into the harbour, and seeking refuge there as a port of refuge?—I was not aware of it, but they must be destitute indeed that would go there for refuge.

3229. Have you taken that circumstance into consideration, the new channel being used for refuge?—Yes, I have; it would be a very important addition to the general design.

3230. Do you think that it would be fit for vessels to resort to in rough weather in the Humber?—Yes, I think so.

3231. In a strong south-west wind will the new cut be accessible?—Yes, it is a leading wind for the new cut.

3232. They could run for it with ease?—Yes, the mouth of it has a south-eastern aspect.

3233. In the present arrangement of the Old Harbour, with reference to the warehouses and the use of them by the trows and small craft, is it not a great difficulty that they cannot move from warehouse to warehouse to load but just at high water?—Yes, and you see great confusion; from 10 to 20 vessels wanting to move at the same time.

3234. The rest of the time being are stationary, and cannot go from place to place?—Without there is water to float them they cannot.

3235. Would the turning of the harbour into a dock, so as to afford facilities for vessels to move at all times of the tide to complete their cargoes, be a great convenience?—It would be.

3236. Is the loss of it a great inconvenience?—A great detriment to the value of property at Hull.

*J. M. Rendel, Esq.*

23 June 1840.

3237. That is one of the advantages of turning the Old Harbour into a dock ?  
—Yes, it is making the side of the warehouses of Hull approachable at all times, by keeping vessels afloat in connexion with them.

3238. There was a part of the basin I omitted to draw your attention to ; the present basin of the Humber Dock has two projecting piers to the southward, is it a part of your plan to remove them ?—Yes.

3239. And there is a breakwater for the ferry-boats ?—Yes.

3240. That is put there for the security of the boats that come over from the ferry ?—Yes.

3241. Will that become unnecessary when yours is adopted ?—Yes, quite.

3242. Is it a part of your plan to remove that ?—I have not estimated for the removal of that ; I have for the other, but it is a very small affair.

3243. It might be removed if yours is constructed ?—There is not the slightest occasion for it.

3244. So, as to the other two piers, have you estimated for the removal of them ?—Yes, I have.

3245. The easternmost was the one they spoke of as being altered, and occasioned an additional deposit there ?—It was in the course of alteration when I was there.

3246. Did you notice any increased deposit ?—No, it was only just beginning.

3247. Have you any doubt of its having a tendency to produce an increased deposit ?—No doubt, every projection has.

3248. Your plan is to take them both away ?—The steam-boat pier is placed immediately south of the Humber Dock ; those piers were placed where they are for the shelter of that dock ; it forms the external basin for ships going in and out, and it will be no longer necessary after the erection of the steam-boat pier.

3249. The removal of them will facilitate the keeping the mud in suspense in the way you mentioned before ?—Yes, the more simple the form that any basin is, in a stream like the Humber, and the more accessible to the current of the tide, the more easily it will be kept clear.

3250. I see to the westward of it, you carry out a wharf there some distance ?—Yes, I do ; and I should explain why I do it : I have already stated whatever plan is adopted, whether my plan or the one before the Committee on the part of the Dock Company, the project of the eastern basin will be necessary, in consequence of the mud bank from the southern point up to the Humber bank ; and therefore it would be better at once to occupy that ground.

3251. Occupying that, shall you not afford a convenient wharf for the steam-boat passengers going up to the station ?—Yes, you make a wharf in a very convenient position for the convenience of the railway.

3252. And for the Humber Dock ?—Yes.

3253. And for the town in general ?—Yes.

3254. It brings you almost to a central point ?—Yes ; I assume that this railway will be much used by passengers, and it can only be very much used by passengers in connexion with the steam-boats ; and I should consider it a matter of the greatest importance, in looking at the new improvements of the harbour of Hull, to give accommodation to steam-boats in such a manner that passengers may embark or disembark from them with the greatest facility to get to the railway station.

3255. We have before referred to this book ; I will refer to another passage ; I have asked you with respect to the harbour being the original dock and port for the town, will you tell me do you confirm this view, "That the river is now much narrower near its junction with the Humber than it was formerly ?"—It is manifest that the deposit of mud along the citadel foreshore has not only driven the mouth of the Hull river more to the westward, but has contracted it ; and there is another circumstance that I should refer to, which has very much tended to damage the Old Harbour within the last few years, a considerable quantity of land water that used to come down the Hull has been carried off in another direction for the draining of a large portion of back country ; that being so much water abstracted from the Hull, has very materially damaged the navigation.

3256. Do you think that that continuing will have a tendency further to damage it ?—Yes, because supposing all the land water to be taken away from the Hull, and nothing but the tidal water permitted to flow up and down, there would very soon be no river there at all.

3257. Is it a material consideration for you, connected with that circumstance of



of the body of the water in the river being lessened by the new system of drainage, and the circumstance of the river closing up in part, does it make a very material part of your plan to use the Old River for the purpose for which it is useful as a dock, and substitute a new channel for the river?—Yes, because assuming that the obstructions are removed between where the new channel enters the old one and the North Bridge, there would be one uniform fall for the land water that comes down through the Hull to the level of low water in the Humber.

3258. Can you confirm this notion at all from what you have seen, “A diminution in the width has taken place since the Humber Dock was made, from the free course of the tide being obstructed and retarded by the projection into the river of quays, and piers, and basins, causing a great accumulation of mud upon the shore for a considerable distance both above and below the entrance to the Humber Dock.” Are you of that opinion?—I should wish to repeat what I said before, if not strong enough: that whatever obstructions are thrown out from the foreshore of such a river as the Humber, will necessarily create mud-banks on either side.

3259. I have asked you what you propose by the piers you have put on the west side of the large basin, the projection or enclosure for a dock which is to the eastward of the same basin; will that pier, in your judgment, be inconvenient for the purposes of vessels lying there, steamers and others?—The present basin of the Humber Dock is inconveniently small, and whatever therefore increases the size of it, must increase the facilities and the business of it.

3260. Do you see the part I am referring to, just opposite the Vittoria Tavern, have the goodness to tell me whether the frontal wharfage there will not afford a fit opportunity for the river steam-boats to approach and the passengers to be landed, with a view to the access to the town and the hotels, and all the offices in the midst of Hull?—Yes, but I should say it would be a great convenience for the transhipment of goods into the river craft in the tide-way: I cannot conceive anything more convenient than a dock projecting so far out into the tide-way; the goods may be transferred from the ship in the dock to the small craft in the basin, without the small craft having to go into the dock.

3261. In point of fact, that wall will be within your sheltered basin?—Yes, it will.

3262. A convenient place for vessels to lie and unload?—Yes.

3263. You spoke particularly about the Wilberforce having lain near the Vittoria Tavern, will that berth be better or worse after your sheltered basin is made?—It will be better, because we shall deepen it, and also be entirely sheltered; and the whole of that part of the town of Hull, which extends from Southend to the Humber Basin, will, in fact, be a portion of our great basin.

3264. There is a material point in this matter, which is the timber-pond, which we have heard a great deal about; was your attention drawn to the timber trade when you were suggesting this plan?—No, it was not.

3265. Has it since been drawn to it?—I have heard a vast deal about it in the Committee.

3266. Have you applied your attention to it?—Yes, I have applied my attention to it, if you mean whether we could accommodate the timber trade.

3267. With respect to your plan, should you have any difficulty in finding out accommodation for the timber trade if ponds were thought necessary?—I should say, certainly not.

3268. Should you have any difficulty where the additional dock is pointed out?—No, certainly not; give me money enough, and I will make it into a splendid timber-pond, and so could Mr. Walker.

3269. Would it not, with reference to the Humber Dock, be the very best position for such a work?—They would have easy access to the tide-way and to the quays.

3270. Would there be facility of access?—If the timber trade is so important as to require more space, the space mentioned for that additional dock would afford excellent accommodation for it till it was required for a dock.

3271. Supposing your timber-ship went into the basin of your dock; supposing it went alongside the eastern side of that basin; supposing there is a communication from that to where that additional dock is, would that not be a very convenient mode; your timber-vessels are unloaded in the bow?—Yes.

3372. Would it not be extremely easy to land it into that dock and take it through



*J. M. Rendel, Esq.*

23 June 1840.

through the opening into that additional dock, if formed?—Yes, extremely convenient; I cannot conceive a more convenient situation for a timber-pond.

3273. Supposing it was going off by the ordinary lighters up to Goole, or anywhere else, would there be any difficulty in landing it from that long wall?—No, if the weather was sufficiently moderate for a vessel to lie alongside.

3274. Suppose I had a vessel in the dock that required to be loaded, would that not be extremely convenient?—Yes, I should say from having the timber on the south, a floating dock on the west, and a tide-harbour on the east, would be exceedingly convenient for export or import.

3275. Supposing it was a tide-harbour, and that blessed day should ever arrive, which they all look for in Hull, when the tide-harbour shall be free, and they have no dues to pay, what would be the facilities for a vessel paying no dues to come alongside and take in timber there?—Very great facility.

3276. In all the facilities spoken of with respect to Hull, do you think there is any facility that would be more beneficial to Hull than it having a free harbour and a pond for the timber to be landed in?—I should say nothing facilitates trade more than great conveniences and small charges.

3277. Now let me ask you another question; do not some of the timber-ships bring mixed cargoes?—I know they do in some ports; whether they do in Hull I do not know.

3278. Assuming a ship coming with timber, and a mixed cargo, can you conceive a greater convenience than having the facility of discharging the mixed cargo in the dock, and discharging the timber in a pond at the entrance?—No, that would be an exceedingly convenient arrangement.

3279. Suppose a timber-ship has come there, and instead of going back in ballast is going back with bale goods, would it not be a great facility to be able to take in her cargo in the same dock?—The less you have to move the ship about in a dock the better.

3280. I do not know whether you can give me the cost of lighterage?—No, I cannot.

3281. This will destroy all lighterage and all cartage; a vessel will go into the dock, where it will unship its timber, where it will unship its mixed cargo, and will, if necessary, take in a cargo of mixed goods again?—Assuming a vessel to have a mixed cargo of the kind described, she would, of course, put her timber into the timber-dock and her goods into the warehouses, and if she was going to sea with a mixed cargo, she would reverse the operation.

3282. And have the opportunity of taking in goods from all the warehouses along the Old Harbour?—Yes.

3283. Your attention has been drawn to the effect your new cut would have upon some timber-ponds, particularly Mr. Harrison's; do you recollect it?—Yes, the cut would pass through it.

3284. Is timber at present taken into that pond by what they call a bunney?—Yes, I believe it is.

3285. That operation must be effected when the tide has got to a considerable height?—I believe so.

3286. Supposing your dock is penned up, you could do that at any time?—It would be the same as regards the convenience of communication between the dock and the pond; it would be the same on this plan as in Mr. Walker's; the water in the timber-pond being upon the same level with the water in the dock, you could at all times communicate.

3287. Supposing it was necessary to have a small timber-pond, you could have one there, with a bunney to communicate with the dock?—Yes.

3288. And if further accommodation was necessary, a pond could be made like the present pond, on the eastern side of your new cut, if it was wanted?—Yes, you might have a basin on the eastern side of the new cut.

3289. On the spot I have last drawn your attention to, is there any building at all, or will not it be totally vacant and unoccupied ground?—There is a very large space of unoccupied ground on the east side of our intended cut.

3290. *Mr. Hildyard.*] Is that the site marked "Ship-yards," on your plan?—Yes, it is.

3291. *Mr. Serjeant Merewether.*] And that, I believe, occupies the very space which is for Mr. Walker's dock?—That is the site of the eastern half of Mr. Walker's dock, and also the site of the entire of his timber-pond.

3292. Do

3292. Do you know that ground to the westward of where your wharf is to be put?—Yes, I know it. *J. M. Rendel, Esq*

3293. Is there not a considerable foreshore up to the projecting point you described early in your evidence as the Humber Bank?—Yes, there is always a considerable foreshore, and there would be considerably more if these works were erected.

23 June 1840.

3294. That being the case, supposing timber was wanted upon the railway, if they should ever carry timber by the railway, could any timber-pond be formed up there?—Yes, they might have had as many timber-ponds there as they would go to the expense of forming.

3295. Close still to the Humber?—Yes.

3296. And the railroad running parallel almost by the side of it?—Yes; it was intended at one time to make a dock there.

3297. Mr. *Reynolds*.] Would there be any engineering difficulty in making timber-ponds, should they be required, upon that which is marked "Dock Green," adjoining the Humber Dock?—If the ground is unoccupied by any other erection, there would be no difficulty.

3298. Would not timber ponds be an easy communication with the Humber Dock?—Yes, undoubtedly.

3299. If bonding-yards or timber-yards were wanted, could they be established there conveniently?—The whole space of ground might be turned into bonding-yards and timber-ponds, to the extent required; they would be convenient in situation to the dock.

3300. Have you made estimates of the cost of the works you have this day described to the Committee?—Yes, I have.

3301. We will begin, if you please, with the new channel for the River Hull, and its basin; have you made an estimate of the cost of the excavations; first, tell me the number of yards, from the Hull to the Humber, of your new cut?—Seven hundred and forty yards.

3302. What is the sum total of the whole of the works you have this day described, and now proposed to be carried into effect, exclusive of the price of the land?—£.274,269.

3303. I understand that that includes the new cut, with its basin?—Yes.

3304. The proposed harbour dock with its locks?—Yes.

3305. The large basin in front of the proposed dock, and the Harbour Dock?—Yes.

3306. Breakwater and steam-boat piers?—Yes.

3307. The projection on the western side of the Humber Dock basin?—Yes, the whole of the basin.

3308. Does it include the communication between the Humber Dock basin, and your basin marked upon your plan?—No.

3309. Does it include the additional dock when required?—No.

3310. Nor a timber-pond in the place where the additional dock is now, nor the additional dock itself?—No.

3311. Nor the timber-pond on the green?—No.

3312. It will be convenient to go to the excavation; what is the length of the excavation necessary for the new cut from the Hull to the Humber?—From the bank of the Hull, I believe, we commence the new channel, to the bank of the Humber, at which it terminates, is a distance of 740 yards.

3313. How many cubic yards does the excavation in that length amount to?—To the level of low water, 209,420 cubic yards.

3314. What do you make the cost of that excavation amount to?—The cost of excavating that ground is 1s. per yard, amounting to 10,471 *l*.

3315. What is the width of your cut?—It varies, the widths are 240, 150, 185, 225, and 250.

3316. Do you recollect the narrowest part of the present Old Harbour?—I think 150.

3317. The narrowest part of your proposed cut is equal in width to the narrowest part of the Old Harbour?—Yes.

3318. Now the sum of excavation necessary at the basin, at the mouth of the new channel?—Yes.

3319. What is the extent in acres of that basin?—Very nearly five acres.

3320. Have you the bottom width of the new cut?—I propose the bottom width to be formed 100 feet, the mean width of the bottom; but whatever we

*J. M. Rendel, Esq.*

23 June 1840.

form it, or however we form it, the form will be equal to the quantity of water to pass through it. I should say, as an engineer, with reference to the formation of the channel, a very large proportion of the work will be done by the river itself; the quantity I have given would be the quantity contained in the form of the channel, which I assume shall be artificially made.]

3321. Now, you have told us that the basin at the mouth of the channel is very nearly five acres, how many superficial yards is it?—It is 22,990 superficial yards.

3322. How many cubic yards of excavation will it require?—To form it to the depth of five feet below low water at spring-tides, the estimate of the quantity to be excavated is 111,950 cubic yards.

3323. At what rate per cubic yard have you estimated that excavation?—I have assumed that it will be dredged by a steam-dredge, and I know from experience in other works, it can be done at 5*d.* a yard, but as Mr. Walker has charged 6*d.* I have also charged 6*d.*

3324. How much does that amount to for the excavation?—£.2,798. 15*s.*

3325. That added to 10,471*l.* will make the total cost of the excavation of that part of your work?—Yes, it will.

3326. How much does it amount to?—£.13,269. 15*s.*

3327. My learned friend wishes to know the depth of the new cut?—That I cannot tell you what will be the depth of it; I have estimated that it shall be made, by digging and shovelling, to the level of low water at spring-tides.

3328. Have you any idea that the current will make it deeper?—I have no doubt it will make it very considerably deeper.

3329. Now, have you made an estimate of the cost of wharfing this new cut?—Yes, I have.

3330. We will take it from the River Hull to that which is marked on the plan at the old Citadel Bridge on the south side?—Yes.

3331. How many feet run are there in that part of the work?—On the one side 600 feet, and on the other side 900.

3332. Does that arise from the return there; is there a bend in the cut?—Yes, there is.

3333. That is, for timber-wharfing?—I should explain, inasmuch as a portion of the cut will be through ground now forming the ponds, and therefore of a loose nature; I propose that the shores of the new cut to that extent should be timber-wharfing.

3334. That makes altogether 1,500 feet, the two sides?—Yes.

3335. At what rate per foot run have you estimated it?—I have estimated it at 10*l.* a foot run.

3336. How much does that amount to?—£. 15,000.

3337. Where in this new cut do you begin your timber-wharfing again?—I begin again where the outfall assumes the curved shape.

3338. Is that on the east side or west side?—On both sides.

3339. How do you propose to do it?—I propose that there should be 1,500 feet in length of the same kind of timber-wharfing on each side.

3340. Does that come to where the basin forms what I should say is a square?—It begins very nearly where the roadway, according to Mr. Walker's plan, intercepts the line of the new channel according to my plan; I am speaking with reference to the western side of the basin; it begins near where the road crosses, and makes a circuit; the whole front of the basin, up to just where Mr. Walker's western side of the basin intercepts the southern side of my dock.

3341. That would be 1,500 feet?—Yes.

3342. The corresponding portion on the other side is 1,500 feet?—Yes, making the return towards the Humber Bank and the pier, that forms the eastern side of the Entrance Basin.

3343. That is altogether 3,000 feet?—Yes.

3344. You have said something about timber-wharfing round the basin, what is that; will you go on with your description of it?—I assume that this channel will be the first thing formed, and that the wharfing of the Entrance Basin will be done after we have done with our coffer-dams for the two great locks, and the excavations of the Old Harbour; and the timber we use in those dams will be applicable, as far as it will go, to this timber wharfing, and therefore our

dams

dams will be equivalent to the quantity of timber consumed by 2,500 feet of wharfing; we have therefore to charge the labour only upon that, because the materials have been charged in the dams in another part of the account; and the labour part of the wharfing I estimate at 4 *l.* a foot run.

*J. M. Rendel, Esq.*

23 June 1840.

3345. Then you want 500 feet of materials and labour, what do you estimate that at?—£. 10, the same as before.

3346. Making altogether for those two articles 15,000 *l.*?—For the wharfing of that part, having the timber provided, 15,000 *l.*

3347. That added to 13,269 *l.* we have already, and to the 15,000 *l.* we had before, makes for this part 43,269 *l.* 15 *s.*?—Yes.

3348. Now there are some stone slopes in the returns of the east and west wall, what is the extent of them?—Five hundred feet in each slope.

3349. Making 1,000?—Yes.

3350. At how much a foot run do you estimate that?—£. 2. 5 *s.*; making a total of 2,250 *l.*

3351. Adding that to the former sum, makes the total cost of the proposed new cut?—Yes, making the total cost of the new cut 45,519 *l.* 15 *s.*

3352. Exclusive of the land?—Yes.

3353. Now, we will go to the Harbour Dock; first, what do you estimate the cost of the new lock at the north end of the proposed dock?—I estimate the lock at 25,993 *l.* 9 *s.*

3354. You will want a coffer-dam for the construction of that?—Yes.

3355. What would be the length of your coffer-dam on the north side?—One hundred and ninety feet.

3356. On the south side?—Two hundred and ten feet.

3357. Making a total of 400 feet round?—Yes.

3358. How much have you estimated that at a foot?—£. 10 per foot run.

3359. Making altogether 4,000 *l.*?—Yes.

3360. Now for pumping?—According to my calculation, the pumping would be 350 *l.*

3361. You use an eight-horse power engine?—Yes.

3362. Wharfing round the dock from Blackfriars-gate to the opposite angle of the dock wall, that is the shallow part of your dock?—The total length of the wharfing round the shallow part of the dock, that we propose to do with timber, that side is 2,600 feet.

3363. At what rate have you estimated that per foot run?—At 10 *l.* also.

3364. Making 26,000 *l.*?—Yes.

3365. You think it may be necessary to use a middle coffer-dam for the excavations?—Yes.

3366. How many feet will there be?—For the convenience of the Old Harbour, while those works are in progress, it may be necessary to make a middle dam.

3367. Just explain this to the Committee, for it is most material?—The width of the old channel averages 180 feet; I have not particularly marked upon the plan where it should be, but I have taken the width according to the average and the length of the channel.

3368. Explain to the Committee why you propose to place a middle coffer-dam in this at all?—In order that vessels using the Old Harbour might get to one part of the harbour while the other was under execution.

3369. What do you estimate that coffer-dam at?—£. 10 a foot again, 1,800 *l.*

3370. Pumping?—I take the same pumps, the same engine and apparatus that would be employed for pumping the dock would be employed there; that I estimate at 162 *l.*

3371. What are the excavations for the entire area of the proposed dock; what is the amount in cubic yards?—The entire excavations would amount to 334,054 yards.

3372. That is for the dock of 17 acres?—For the whole dock.

3373. At how much per yard have you estimated that?—One shilling, but I have here to explain that, at the lower part of that dock, that part opposite the citadel, would be excavated by dredging; I should propose that, and the rest of the upper part excavated in the usual way; of course, the cost of the excavation by dredging would be less than 1 *s.*, but I have put it all down at 1 *s.*

3374. That, for the reasons you have given, you have estimated at 1 *s.* per yard altogether?—Yes.

83.

T 3

3375. Amounting

J. M. Rendel, Esq.

23 June 1840.

3375. Amounting to 16,702*l.*?—Yes.3376. At what sum do you estimate the great lock for the entrance to the Humber?—The great lock for the entrance to the Humber I estimate at 32,807*l.*3377. The coffer-dam for the construction of the lock, how many feet?—Two dams would be required, according to the way I should do the work; one dam against the Humber Dock of 400 feet in length, which I estimate at 18*l.* a foot run, and there would be one dam against the Old Harbour of 220 feet in length, which I estimate at 10*l.*, making the cost of the two dams 9,400*l.*3378. Pumping, how much?—I put down the pumping for that at 500*l.*3379. The two dams at 9,400*l.*?—Yes.3380. For making the return round the outside of the dock, how do you propose to do that; at how much do you estimate it a foot?—*£*.10 a foot.3381. I am speaking of the bank on the east of the great lock?—If you allude to the sloping part from the eastern side of that part of the proposed dock which projects beyond the line of the Humber foreshore, I put down the sloping part that will have to be made before the dams are commenced, at 3*l.* 15*s.* a foot, making 1,918*l.*

3382. The dock walls, from the Blackfriars-gate to opposite the angle, exclusive of the return walls of the lock, how many feet run are there there?—Two thousand one hundred and thirty feet run.

3383. At how much per foot run?—That is the deep-water part; that is done with brick and stone, on a pile foundation; that comes to 15*l.* 10*s.* a foot, amounting to 33,015*l.*

3384. Would wharfing from the old south end to the entrance to the lock, and from the entrance to the lock eastward to the slope, how many feet run?—One thousand two hundred feet.

3385. At how much per foot?—The same as the other wood-wharfing, 10*l.*, making 12,000*l.*

3386. Is that the whole expense of the dock?—Yes.

3387. What does that amount to?—*£*.164,539.

3388. That is the whole expense of the estimate for your dock?—Yes, exclusive of the contingencies, which sum is an after-charge.

3389. Now, the breakwater, that is, the erection which stands opposite the entrance to the dock you have just been speaking of, what is the length of that, adding the circular heads?—The entire length of it is 600 feet.

3390. At what rate per foot do you take that?—*£*.16. 10*s.* per foot run.3391. Making how much?—*£*.11,055.

3392. What is the length of the steam-boat pier?—Seven hundred feet.

3393. What do you estimate that at?—*£*.12,375.

3394. At the same price per foot run?—It is the same construction.

3395. Have you provision for stairs?—Yes, I have added to the cost of that pier 500*l.* for stairs.3396. Mr. *Hildyard*.] Is that included in the 12,000*l.*?—No.3397. Mr. *Reynolds*.] I see you propose to enlarge the wharf on the west side of the Humber Dock basin?—Yes.

3398. What extent will be required?—Five hundred and twenty feet.

3399. What is the estimate?—*£*.10 a foot.3400. Amounting to how much?—*£*.5,200.

3401. There will be some dredging or excavation necessary?—There will be dredging and excavation in the basin between the projection and the proposed dock.

3402. Across the whole extent?—Yes.

3403. How many cubic yards do you propose to take out of it?—To the level of five feet below low water; at spring-tides there will be 186,340 cubic yards.

3404. That, I believe, has all been very carefully surveyed by another witness?—Mr. Oldham furnished me with sections of it.

3405. How much per cubic yard?—I find that it can be done by dredging and working within the wood-wharf described; I have put down the cost at 8*d.* per cubic yard, amounting to 6,211*l.* 7*s.*3406. *Committee*.] Does that include the wharfing?—No, that is a separate sum.3407. Do you propose to make a bridge across from the steam-boat pier to this new wharf; at what do you estimate that?—*£*.3,280.

3408. Mr.

3408. Mr. *Hildyard*.] It is not to be a bridge of boats?—No, I think not; some parties think it should; I think we can leave it sufficiently open without that.

*J. M. Rendel, Esq.*

23 June 1840.

3409. Mr. *Reynolds*.] Have you made any calculations of the expense of removing the old wooden piers at the present basin?—Yes.

3410. Is there an excess beyond the materials?—I have assumed that the cost over and above the value of the materials might be 500*l*.

3411. How much does that amount to for the cost of your grand western basin?—The whole cost of that is 39,110*l*.

3412. Is that the whole of the articles you estimated for?—Yes.

3413. The sum put for contingencies is, how much?—£.25,000, being a little more than 10*l*. per cent.

3414. That makes the total cost of the whole works you have mentioned to us, exclusive of the land and compensations, amount to how much?—£.274,269.

3415. Can you tell us about how much land will be required for carrying these works into effect?—Thirty-three acres.

3416. Did the estimate for your locks include the cost of bridges over them?—Yes, it did.

3417. Have you made an estimate, although it is not in your proposed plan, of the cost of the great steam lock that is placed here to go into the Humber Dock?—Yes, I do not think it could be executed for less than 63,000*l*.

3418. *Committee*.] That is the steam lock for going into the Humber Dock?—Yes.

3419. Did you hear Mr. Cubitt's examination?—Yes.

3420. Did he describe the size of this great lock?—I did not hear him describe any size; I heard him say he had estimated the steam lock at 40,000*l*. and Mr. Walker's estimate is to the same effect.

3421. Mr. *Hildyard*.] Did you understand Mr. Cubitt to be giving an estimate for the lock into this basin?—No, I did not, but for a lock nearly the same size as Mr. Walker proposed it.

3422. Mr. *Reynolds*.] The estimate of the larger of his locks was 46,000*l*.—Yes.

3423. You do not think that a steam lock to admit the largest steamers could be made for less than 60,000*l*.?—Yes, taking it that in the one case there would be the expense of a dam, and in the other not, there would be a difference to that extent.

3424. Have you made all these estimates with great care and attention?—I made them out upon the best information I could collect while in the neighbourhood, and the best information I could collect from people who had been executing works, and with a view to my own knowledge, as an engineer of works of this description.

3425. Are you confident that these are fair and liberal estimates for the work to be done?—My judgment tells me that they are fair and liberal estimates.

3426. Mr. Serjeant *Merewether*.] In a work of this description much will depend upon the manner in which you begin the work, and the succession in which you take the different parts of it?—Yes.

3427. With what part of the work do you propose to begin?—I should commence by cutting the channel intended for the diversion of the Hull.

3428. The new channel?—Yes, diverting the water through that channel.

3429. That being all upon the land, you would not begin at either of the ends?—I should begin generally.

3430. Would there be any engineering difficulty in it?—I apprehend none.

3431. Is there any provision with respect to the execution of that work you think it necessary to mention?—Nothing more than the execution of the wood-wharfing before the excavations were completed from the Citadel Bridge up to the old channel of the river.

3432. There you would have to resort to the wood-wharfing?—Yes.

3433. To keep up the land?—Yes.

3434. Is there any other circumstance you consider material to mention?—No more than that it would be necessary to do that and to take the earth produced by the excavation to form the banks on the side of the cut, so as to prevent the tide getting in upon the low lands.

3435. Upon some part of the eastern side of the river; that was a matter stipulated

*J. M. Rendel, Esq.* lated for in the Act of Parliament as necessary for the protection of the lands in Holderness?—I did not know that it was stipulated for, but it is necessary.

23 June 1840.

3436. Have you calculated for that?—Yes.

3437. What step would you take next?—Make the dams and put in the north lock of the intended dock.

3438. During the time you are doing that with the north lock would the Old Harbour be still open for the purpose of access to the warehouses?—Yes, the tide would flow into it as it now does.

3439. And the new cut be useful for the drainage of the country?—Yes.

[The Witness withdrew.]

[Adjourned till To-morrow, at 12 o'clock.]

*Mercurii, 24<sup>a</sup> die Junii, 1840.*

RICHARD BETHEL, Esq. IN THE CHAIR.

*James Meadows Rendel, Esq.* was again called in; and further Examined by Mr. Serjeant *Merewether*, as follows:

24 June 1840.

3440. YESTERDAY, in describing the mode in which you would execute these works, you began by stating you would first make the new cut and then you would make the coffer-dam to put in the lock at the north end of your proposed dock, that is so?—Yes, I did.

3441. During that time the Old Harbour would be accessible up to the dam, and the new cut would be open?—Yes.

3442. What would be the next work you would do?—After having put in the lock at the north end of the proposed dock, I should begin by enclosing the south end of the proposed dock.

3443. Just tell me how you would begin this work?—By putting in the wood-wharfing.

3444. Which side?—Both sides.

3445. Having done that?—Then I should put in the coffer-dam and enclose the whole of the entrance preparatory to carrying on the internal operations.

3446. When you have done that, should you be able to remove the coffer-dam at the north or south end of the dock?—Before I commenced any obstruction to the entrance of the harbour on the south side, I should have completed the lock forming the northern entrance, because by that lock the trade in the Old Harbour would be carried on.

3447. When you had secured that end of the lock you would remove the coffer-dam, and by means of the lock at the north end, the harbour would be accessible?—Yes.

3448. What course should you take after that?—I should of course commence as rapidly as possible to complete the works at the south end so as to open the south end, and then I should proceed to make the cross dams in the Old Harbour, so as to deepen it to the depth I have already given you in the divisions; it would be most convenient for the maintenance of the trade of the Old Harbour while the trade was going on.

3449. Your object would be to execute the works in such succession as to afford as little interruption to the Old Harbour as possible?—Yes.

3450. And while you are doing that, some of the divisions will be used?—Yes, you might use all the divisions but the one you are working in.

3451. And while you are deepening the river you would make the wharfing on each side?—Yes.

3452. When shall you make your breakwater and steam-boat pier and the bridge?—All those works might, if the funds would admit of it, be going on at the same time.

3453. There is no object for postponing them?—No, they are independent works.

3454. Producing



*J. M. Rendel, Esq.*

24 June 1840.

3454. Producing no obstruction?—No; if the works are carried on with the judgment of a man who undertakes a work of this sort, I can see no obstruction.

3455. You are to deepen the basin, and the Craunch is to be removed, and other works to be executed there, when should you do that?—I have already stated that the southern part of that dock, more especially the mud I should propose to remove by a dredging vessel, which I have not estimated for, I have estimated for its being done after it is enclosed.

3456. If there is anything I have omitted to ask you in the execution of the works which you propose, have the goodness to add it?—I am not aware of any thing to be added.

3457. Mr. Walker suggests to me there have been some comparisons of the measurements of the projections, and he suggests to me that in looking at it it is found that his projection will not come out further than yours?—They are almost precisely the same we find upon comparing the plans.

3458. So that there will not be that projection in front?—According to the lines laid down in the engraved plan, there appears to be a projection in Mr. Walker's plan of 25 or 30 feet, but Mr. Walker has called my attention kindly to a larger plan, and upon comparing them, it appears that the distance is precisely the same, or so near as to be totally unimportant; I assure you I attach no importance to it.

3459. *Committee.*] During the progress of these works, would not there be a considerable interference with the use of the Old Harbour?—If the works are carried on as I assume they would be, there will be an interruption of about one-third of the harbour.

3460. The whole space of the Old Harbour is fully required at present?—I should say it would be.

3461. To the extent of one-third during the operations it would be interrupted?—By the other works there would be more capacity for shipping under the subtraction of that one-third than now exists.

3462. And the new cut would be open?—Yes.

3463. What would be the longest time that any part of the harbour would not be open?—I should say, as an engineer, having an unlimited supply of funds, it need not be more than nine months; the works are not of a magnitude to require a long period.

3464. Mr. Serjeant *Merewether.*] Have the goodness to tell me whether there is not a fall in the Hull from the North Bridge down to the Humber of about four feet?—There is a considerable fall, and I believe it is about four feet; but the gentleman who made all the surveys is in the room and he will state how the measures actually are.

3465. You have before stated that according to your arrangements there should be two communications across the harbour, one opposite Salthouse-lane and the other at the entrance?—There will be one communication across the southern lock by a bridge, and there will be another communication across the northern lock by a bridge.

3466. Neither of which could be made as long as the Old Harbour continues an open tidal river for refuge and navigation?—It would be very manifest it might be done, and the North Bridge has been done, but it would be inconvenient.

3467. Will you have the goodness to tell me (Mr. Walker has stated in his evidence it would be of great importance to have a large additional area accommodation for the docks) which affords the largest area of water accommodation for docks, Mr. Walker's plan or yours?—That is already in evidence that one dock is 17 acres and the other is 14 acres; but there is a timber-pond in the one case which is not provided in the other; the timber-pond is not at present intended; there is a difference of three acres in water accommodation.

3468. You gave the different depths of your docks, what would be the quantity of deep water in your dock?—Ten acres of deep part; the dock I design is 17 acres area, 10 acres of which, at the southern or best end, is 23 feet deep at high water spring tides, and the other seven acres 20 feet.

3469. Do you think it desirable that the best end should be as near the Humber as possible?—Yes, I think it is.

3470. I should like to ask you with respect to the length of your quayage; have you got an abstract showing the relative quantity of additional dock room, wharfage room, and quayage?—No, I have not a copy of it.

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3471. I will



*J. M. Rendel, Esq.*

24 June 1840.

3471. I will hand this to you; you see there is one column of wharfage and the other of quayage?—Yes.

3472. Does the wharfage there mean superficial area for the deposit of goods?—Yes.

3473. And does quayage mean lineal measurement?—That is the distinction which I understand is to be drawn at Hull.

3474. Of course the frontage has reference to the access it affords?—The frontage has, of course, reference to the lineal measurement of the frontage.

3475. Just state as shortly as you can the result of the comparison?—The statement here made out gives the lineal measurement of frontage and quayage, by the plan for converting the Old Harbour into a dock and making a new channel, at 9,480 feet; the frontage and quayage for the docks on the eastern side of the citadel, 5,190 feet; the lineal measurement of the quayage already in the existing docks is 8,875 feet.

3476. Now does that same paper contain a comparative statement of the quantity provided by Mr. Walker's plan and your plan?—Yes, it does.

3477. Put it in.

*(The same was handed in, and is as follows:)*

An ABSTRACT, showing at one view the Relative Quantities of additional *Dock* room, *Wharfage* room, and *Quayage*, by Mr. Walker's and Mr. Rendel's designs.

	Basin Accommodation.	Dock Accommodation.	Wharfage Superficial Accommodation.	Quayage Lineal Accommodation.	Remarks.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Lineal Feet.</i>	
PRESENT. — At present taking the old channel as a basin.	10	23	15	8,875 - -	Old Harbour, 7 acres; Hum-ber Dock, and Old Dock Bas-ins, three acres.
Mr. Walker.— Additional in case the plan east of the citadel is adopted.	4½	14	21	5,190	
Mr. Rendel.— Additional in case the plan for dock west of the citadel is adopted.	29	17	35	9,480	

3478. Mr. Walker, I perceive, states that the quayage will be 3,640 feet?—Yes, that is in the evidence.

3479. I am speaking from Mr. Walker's evidence, what would be the length of the quayage on your proposed lock?—Round the docks, the total extent of the quayage is 4,730 feet.

3480. That is exclusive of your basin?—That is exclusive of the basin.

3481. *Committee.*] Including the additional dock if required?—No, excluding that, it is merely round the dock which is formed in the Old Harbour.

3482. Mr. Serjeant *Merewether.*] Opposite Mr. Walker's deep part of his dock he states there are 1,980 feet; will there be opposite yours 2,130?—Yes.

3483. There will be opposite the less deep part of Mr. Walker's dock 1,660; will there be opposite yours 2,600?—Yes.

3484. The extreme depth Mr. Walker states of his is 190 feet, have you got his evidence before you?—No, I have not.

3485. The smallest depth 75 feet?—Yes.

3486. And your extreme depth 165 feet?—Yes, that is the greatest depth laid down here; my object has been to leave the dock as wide as I could conveniently.

3487. The smallest depth on the east side of your dock is that 75 feet?—Yes.

3488. And on the west side?—I stated yesterday; it varies from 20 to 30 feet, the average 25 feet.

3489. *Committee.*] Over and above anything you are capable of having on the quay on the ground floor?—Yes, the shore-line is 25 feet from the front of the warehouses.

3490. Mr. Serjeant *Merewether.*] Now, is the present quantity of accommodation in the present basin 10 acres?—I think the learned Counsel alludes to the basin

basin in front of the Humber Dock and the Old Harbour; that part of the Old Harbour which is obstructed by means of the proposed dock is seven acres, and the basin in front of the Humber Dock is, I believe, three acres. *J. M. Rendel, Esq.*

24 June 1840.

3491. Then the dock accommodation at present is 23 acres?—Yes, it is.

3492. The wharfage round that dock, explaining the term as you have done, is 15 acres?—The wharfage round what dock?

3493. The superficial accommodation of wharfage round the existing docks?—Yes, it is 15 acres; the wharfage round the existing docks I believe to be as nearly as possible 15 acres.

3494. Tell me the lineal frontage?—Eight thousand eight hundred and seventy-five feet.

3495. Tell me whether the basin is Mr. Walker's four-and-a-half acres?—The basin, according to Mr. Walker's design, he estimates at four-and-a-half acres.

3496. The dock accommodation 14?—Yes.

3497. The superficial wharfage 21?—Yes.

3498. The lineal frontage is 5,190 feet?—Yes.

3499. According to your plan, will the basin accommodation you will afford be 29 acres?—I would like to explain how that arises. The basin accommodation, including the basin opposite the Humber Dock, which is 21 acres, and the basin at the mouth of the new channel, which is five acres, and the difference between the area of the new channel, which is to all intents and purposes a basin, and that which we take away from the Old Harbour, makes up altogether an additional extent of accommodation, in the point of basin, 29 acres, after deducting the loss of the Old Harbour by converting it into a dock.

3500. Then the dock accommodation, according to your arrangement, is 17 acres?—Yes.

3501. The wharfage surrounding it 35 acres?—Taking the wharfage on each side of the new cut to the extent to which it is proposed to be left, the wharfage will be 35 acres.

3502. Will the lineal front be 9,480 feet?—Yes.

3503. *Committee.*] What do you mean by basin, smooth water exposed to the tide?—Yes, smooth water; that is, any enclosed piece of water sheltered from the wind but exposed to the tide.

3504. *Mr. Serjeant Merewether.*] I perceive that Mr. Walker calculates that his dock will afford accommodation for 140 vessels; what number do you calculate yours will afford accommodation for?—It is a common calculation with engineers, that ordinary mercantile ships may be stowed 10 to an acre.

3505. That would produce 170?—Yes, it would.

3506. You do not calculate the steamers shall go into your dock?—No; except it is small steamers, such as can now go into the Humber Dock.

3507. And if it should be thought desirable that they should go into the Humber Dock, it would involve a lock, would it not, for the Humber, spoken to by Mr. Cubitt?—Yes, it would.

3508. You have sketched such a dock on your plan?—Yes, I have; I merely wish to explain that I have not made the lock entering the proposed dock large enough for large class steamers, conceiving a better place for the large class steamers would be nearer to the railway.

3509. Have you given me the number of ships which your dock and basin would contain, or only the dock?—It is almost given as a matter of course by a statement of the area of the water.

3510. I think you stated to me before, that you conceive the new cut will form suitable accommodation for the river craft?—Yes, I think it will.

3511. I see Mr. Walker states that the width of his basin is 120 feet; will you tell me what the entrance to your basin is; there are two entrances you stated the other day, one to the south and the other to the east; what is the entrance to your basin?—Which basin do you refer to?

3512. I should like to have the width of all the entrances.—Commencing with the basin at the mouth of the intended channel, it is 200 feet; but in reporting upon this plan, I should observe, I stated to my employers that the width of the opening and the extension of the pier were questions which could be very much better determined as the work proceeded, than before the operation of the work was ascertained.

3513. You have laid it down at 200 feet?—Yes.

3514. Now, then, the opening into the larger basin, the eastern opening?—

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*J. M. Rendel, Esq.*

24 June 1840.

There are two openings; the one immediately in connexion with the entrance to the proposed dock, and the other midway between the steam pier on the west, and the breakwater on the east; the width of the one at the entrance of the proposed dock is 300 feet; and the width of that between the steam-boat pier and the breakwater is 250.

3515. Now just give me the width of your locks; what is the length of your lock?—The north lock is 120 feet between the gates, 36 feet 6 inches wide, and 25 feet deep at spring tides; in fact, that is the same as the locks of the Junction Dock and the Old Dock.

3516. Now the other?—The other lock at the Humber Dock is 170 feet in length, 45 feet in width, and the sill is 31 from the coping, which gives 26 feet at high water spring tides.

3517. If there was a lock made to enter the Humber Dock to admit the larger steamers, what should be the length and width of it?—I should say that these docks are laid down of the same size as the present Humber Dock, so that any vessel that may go through one can go through the other.

3518. Supposing there is a dock made into the Humber Dock for the large class steamers, what should you say would be the length and width of it?—I should say, that if there is a dock to be made there for large class steamers, it had better be made of the size of the largest class of steamers now in use; that would be 70 feet between the walls, and 290 feet between the gates.

3519. You have told us the mode in which you mean to construct the wharfs round the deep part of your dock; you gave me that yesterday?—Yes, I did.

3520. With respect to the excavation which Mr. Walker takes at 1*s.* a cubic yard, do you take it at the same?—Yes, I take it at the same.

3521. Do you take some also at 6*d.*, as Mr. Walker has done?—Yes, I do, and some at 8*d.*

3522. I believe, generally, your prices for that operation are the same as Mr. Walker's?—They are the prices common to such works.

3523. Mr. Walker calculates, I see, one of his locks at 17,500*l.*; do you remember it?—I believe that was the estimate for the lock into the Hull; the northern lock.

3524. Do you estimate it at the same, or at a higher price?—I estimate the northern lock at 25,990 odd pounds, besides the coffer-dam and the pumping.

3525. That is the same lock?—No, it is the same size.

3526. Is there anything in the local situation that would materially alter the size of it?—We have wider wing-walls than Mr. Walker at that lock.

3527. You have given to day the manner in which you propose to execute the work?—Yes.

3528. I find Mr. Walker says, "There would be a great difficulty in forming a dam to surround a work of this kind, because it must be surrounded by a circular dam, the same as round the pier of a bridge; the lock must be within it, and the river round it, and the navigation round it; then there would be the formation of a dock, which is partly above high water but not entirely free from the obstruction." Have you regarded that part of Mr. Walker's evidence?—I think Mr. Walker went on to say, that not knowing how I proposed to do the work he could not describe the difficulty.

3529. Having regard to what Mr. Walker stated, and having stated the manner in which you propose to execute it, should you have any difficulty in executing it in the manner you have mentioned this morning?—No, and I am sure Mr. Walker would have still less.

3530. You do not apprehend any greater difficulty in that respect. Then, again, Mr. Walker says, "Another objection appeared to me in 1836, and now a very powerful objection, that this is not so much an addition to the accommodation of the port of Hull, which is very much wanted, as a substitution of one kind of accommodation for another:" is that in your judgment a correct view of the plan you have suggested or is it a mistake?—I should imagine that a dock, constructed on the site of the Old Harbour, would take a very large proportion of the vessels from the existing docks and make room for those left.

3531. Is yours merely a substitution or increased dock accommodation?—I should call it increased dock accommodation.

3532. Have you the slightest doubt of it?—Not the slightest, because we make a larger tidal channel than we take away.

3533. I read you a passage from Mr. Walker's evidence and you have given an

an explanation of it, are you satisfied that the explanation you have given is correct?—I will correct it if there is any error pointed out.

*J. M. Rendel, Esq.*

24 June 1840.

3534. I will read it to you again. "Another objection appeared to me, both in 1836 and now, to be a very powerful objection, which is this, that this is not so much an addition to the accommodation of the port of Hull, which is very much wanted, as a substitution of one kind of accommodation for another." Do you conceive that to be an accurate view of your view, or does your project in point of fact give increased accommodation for dock room at Hull?—It gives 17 acres additional dock room at Hull, therefore it must be additional dock room.

3535. *Committee.*] Your dock will be 17 acres?—Yes.

3536. And Mr. Walker's 14?—Yes.

3537. And your new channel will be as available for the purposes of the present harbour as the present quays are at Hull?—With good management on the part of the conservators it will be a very much better one, I hope.

3538. Mr. Serjeant *Merewether.*] I see that Mr. Walker says, after speaking of your ability, which he is well acquainted with, "Mr. Rendel would never have proposed this work if he had not been called down and told by the parties to do the best he could in making the Old Harbour into a dock." Did your instructions confine you to converting the Old Harbour into a dock, or were you to recommend to your employers what was best to be done with regard to the trade and existing rights at Hull?—In the first place, my instructions were not of the limited kind which you have named, but the straight forward thing would be to put in the instructions I have received, which I have not the slightest objection to do.

*(The Witness delivered in the following Paper.)*

SIR,

Hull, March 5th 1840.

I am directed by the Harbour Committee to request that you will examine the River Hull at its junction with the Humber, and the neighbourhood of that river; and that you will also examine any other locality in the neighbourhood of Hull, and that you will then report to this committee your opinion of the best site in the neighbourhood of Hull for the construction of a new dock, of not less than 20 acres, keeping in view existing interests. Should you be of opinion that the Old Harbour, or its immediate vicinity, is the most suitable place for a new dock, we request you to prepare such a plan or plans, and a general estimate of the expense for a dock, to be situated in or near the Old Harbour, as may be necessary to enable you to explain to a Committee of the House of Commons on the Bill now pending before Parliament, on the petition of the Dock Company at Kingston-upon-Hull, your reasons in recommending such a dock in preference to that proposed to be constructed by the Dock Company. We are particularly desirous that you should only give your opinion after mature deliberation, and after hearing the arguments of such persons as are opposed to our views as may be willing to call upon you; and for that purpose we have given notice of your arrival in Hull, and of the object of your visit, to the Mayor and Corporation, to the Trinity-House, to the Dock Company, to the Chairman of the Pilot Commissioners, and the Chairman of a Town Committee on dock affairs. We have also directed such persons as we think may be able to give you any information to wait upon you; and we have informed many individuals, whose opinions we believe to be opposed to our own, that you will be glad to see and hear them.

I am, sir,

Your most obedient servant,

*W. Hassell*, Honorary Secretary,  
Harbour Committee.

*Jas. M. Rendel, Esq.,*  
from London."

3539. Mr. Walker and Mr. Cubitt have stated, that they were directed to give a plan for the construction of a dock upon the ground purchased of Mr. Raikes to the east of the citadel, did you not act under those instructions delivered to you?—I did.

3540. Did you feel yourself tied down or bound to adopt the Old Harbour?—No, I only felt that my instructions went to provide a dock that should be convenient for the existing trade of Hull.

3541. Was that with regard to the position of the town, the position of the warehouses, and the accessibility of them?—I understood that to be the meaning of the instructions; that is, the existing trade of Hull.

3542. According to your judgment, having gone through all the detail of the plan, and considered it now, and having your attention particularly drawn to Mr. Walker's plan also, I ask you generally, are you still of opinion, with reference to these two plans, that the converting of the Old Harbour at Hull into a dock, is the more desirable of the two?—For the town of Hull?

3543. Yes.—Yes.

*J. M. Rendel, Esq.*

24 June 1840.

3544. Have you any doubt of it?—Not the least; if my instructions had been to provide 14 or 20 acres of dock room on a plan that should have required the least outlay, I should most undoubtedly have gone where Mr. Walker has gone.

3545. Just state the reason for that?—With reference to the least outlay, because there is the least amount of purchase property; I think the works could be constructed more economically there than in the Old Harbour; but as my instructions had reference to the existing trade of Hull, by which I understood the convenience of the merchants of Hull, I selected the Old Harbour, from the circumstance that it does border on the town of Hull, and would give dock accommodation to the warehouses belonging to those merchants.

3546. I presume, in all these cases, when you speak of expense, the expense must be considered with reference to the good you will effect?—I should think so.

3547. Upon this arrangement of the plan you have recommended have the goodness to tell me whether you not first of all obviate the difficulty of penning at the mouth of the River Hull, and do you not find a new channel for the river, and also provide larger dock accommodation; is not that the effect of your plan?—Yes, it is; it is in evidence.

3548. Your estimate comes nearly to about the same amount as Mr. Walker's?—I think more.

3549. Just tell us, as near as you can, how much more?—I have not Mr. Walker's before me.

3550. It is 200,000 *l.* in round terms, including the communication?—I would, rather than run the risk of making any false statement in the figures, give the amount of my estimate again, that is 274,269 *l.*

3551. For the works independent of the land?—Yes.

3552. And 60,000 *l.* added to that for land, which would put the two calculations nearly upon a parallel, would make 334,000 *l.*, that seems to me to about represent what Mr. Walker talked of to be 300,000 *l.*; it is about 34,000 *l.* more?—I know nothing of the land; I speak of the engineering estimates.

3553. As you have acknowledged the principle, that money to be laid out, must be always expensive or economical, with respect to what it produces; will the converting the Old Harbour into a dock, and making a new channel, which you do to obviate the difficulties in the Old Harbour, will that be a compensation for the 34,000 *l.* additional expense?—I cannot better illustrate it than by saying, I think it would be worth the while of the owners of warehouses, and the merchants in Hull, to pay the difference, and have a dock in the Old Harbour.

3554. Is your plan according to your conception for the interests of the public, and the interest of the port put together; is that which you do as well worth it, and do you get an advantage equal to the 334,000 *l.* as Mr. Walker does with his 300,000 *l.*?—That is, is the additional accommodation worth the 30,000 *l.*?

3555. Precisely.—I should say to the town of Hull it is; if the Dock Company's income would be the same in the one case as in the other, I should say it is not. I am now looking at the Dock Company as a commercial body, irrespective of the merchants of Hull.

3556. If they are to be considered alone as a company laying out their own money, and can get as large a return from Mr. Walker's plan as they can from yours, then you say it would be a bad expenditure for them?—Yes, no doubt of it.

3557. Just have the goodness to explain what you mean by existing interests?—I mean that the property along the shore of the Old Harbour is very valuable, and of course I calculate existing interests.

3558. Is that all that you meant?—Also, as a matter of course, the nearer the dock is brought to the town of Hull, the more it will benefit the town of Hull.

3559. *Committee.*] As you had those instructions desiring you to attend to existing interests, I assume you made some inquiries as to what the interests of Hull were; I want to know what you understood to be included in your instructions by those terms; what other interests besides those you have just named, are included?—Hull is rather peculiarly situated, it is completely surrounded by water; the docks on the west side, and the navigable River Hull on the east, and the Humber on the south; the docks, I should rather say, may

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be considered as taking two sides of the circuit, on the west and on the north. Now, it is very manifest, that if any additional dockage is made to the east of the citadel, and those docks separated from the town of Hull by a navigable river, which it would be exceedingly inexpedient to build bridges across, it would draw off from the existing trade in Hull, all the accommodation either of warehouses or shops, or hotels, or whatever accommodation is necessary to the existence of large commercial docks in the town of Hull. It would be an extension of the town beyond the navigable river, whereas by making the Old Harbour into a dock, the commercial business arising from the docks is concentrated there, and the benefits are of course derived by the town which those docks surround. If I have not given a correct impression of my views, I shall be happy to explain them further.

*J. M. Rendel, Esq.*

24 June 1840.

3560. Now have the goodness to answer me these two or three questions. One of the advantages of your plan is that it uses the existing warehouses?—Yes.

3561. I presume there can be no doubt that a dock is in a greater degree useful in proportion as it has the accommodation of warehouses near to it?—I should say so, as a matter of course.

3562. That you have no doubt about?—No.

3563. Have you any doubt about this, supposing the dock to be put where Mr. Walker proposes it; must it not involve either the expense of building warehouses upon the wharfs there, or must not the goods landed there be carried to the warehouses that exist elsewhere?—I should say they would so; if the dock is intended for general commerce, it manifestly would require the accommodation of warehouses in some place or other.

3564. Is it not therefore, first of all, an unequal comparison between a dock on which are warehouses constructed, ready for use on the one hand, and a dock not having any warehouse constructed upon it on the other?—Yes, assuming warehouses to be necessary.

3565. Then a dock so built, will not it involve the cost of building warehouses on the side, or the cost of the transport of goods landed there to other warehouses where they are to be deposited?—Obviously.

3566. When you said if they were general goods it would be so, perhaps, you meant to draw a distinction between general goods and timber?—Yes.

3567. Timber would not require warehouses, but ponds or conveniences of that kind?—Unless the dock was sufficiently large to accommodate the timber in it; the dock cannot be occupied by timber and vessels at the same time.

3568. As far as timber is concerned, the portion that is consumed in Hull must be transported from the timber-pond to Hull?—Any which is to be consumed in the town of Hull itself.

3569. And the only peculiar advantage in a dock in which you have not warehouses, will be for that portion of the timber that is brought in ships and taken out again in ships?—The timber-pond is connected with the road called the Hedon Road.

3570. I am asking you whether the advantage of that dock, without warehouses and so on, would not be confined solely to the timber deposited there and afterwards put into ships and taken away?—I take it the question goes to this, that the Dock Company have not warehouses, and along the present line of docks the warehouses belonging to individuals are so contiguous to the line of docks that the difficulty ceases to be felt; but that inasmuch as the dock on the east will be on maiden ground where there are no warehouses, that individuals must build those warehouses, or the Dock Company must, if the dock is to be used by vessels having general cargoes.

3571. I have already drawn your attention to the comparison of a dock, when completed, having warehouses ready built upon the side of it, and a dock where there are no warehouses at all. You do not conceive that they can be compared together.—No, certainly not, under those circumstances.

3572. And as you were drawing a comparison between general goods and timber, that Mr. Walker's dock might be useful for timber, irrespective of the warehouses?—Yes.

3573. I asked you whether that did not involve the question of the quays as far as the timber is concerned that is used in Hull, or about Hull, or transported to any deposit of the timber for Hull?—Yes.

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J. M. Rendel, Esq.

24 June 1840.

3574. But there would be a different consideration with respect to timber taken away in ships?—Yes.

3575. That is the sort of timber to which the advantage would alone be confined?—Yes, obviously.

3576. This additional dock, which is in front of the citadel, is not included in your calculation at all?—No, it is not.

3577. If it was made for the purpose of a timber-dock, do you apprehend it would produce any injury or danger to the citadel?—No, I take it, if the citadel is to be looked at as a place of fortification, then whatever plan is adopted, either the plan on the east, or making the present harbour into a dock, it would be absolutely necessary to build some two or three gun-batteries to flank those erections we are going to make.

3578. Will the timber, lying in the pond in front of the citadel, produce any injury, or damage, or inconvenience to the citadel; would it interfere with the citadel so much as vessels?—No, certainly not; but the Committee should be made aware that the citadel is commanded by all the warehouses along the present Old Harbour.

3579. *Committee.*] Is it low ground round the citadel?—Yes, it is all low ground, over which the tide would flow, but for its being embanked; the whole country is flat.

3580. Mr. Serjeant *Merewether.*] From the observations you have made at Hull, can you say whether the ground is all warping up in front of the citadel?—Yes, very rapidly.

3581. Supposing any projection is made there to the extent we have been speaking of, have you any doubt that the whole of that ground will be warped up?—It is already in evidence, and I have no hesitation in repeating it.

3582. Suppose it should warp up and make a foreshore of land between the river and the citadel, would that be equally inconvenient to the citadel as a timber-pond?—As a civil engineer, I should say not; as a man of common sense and common observation, I should say not.

3583. Mr. *Reynolds.*] You have stated that your estimate of the cost exceeds Mr. Walker's by 34,000 £.; have you not given a great increased extent of accommodation for that cost beyond what Mr. Walker gives?—Yes; it is upon the notes.

3584. Have you done so?—Yes.

3585. You have stated you took into consideration existing interests?—Yes.

3586. Among those, did you take into consideration the interests of the steam trade?—Yes.

3587. Do you consider that the steam trade is of vital importance to the trade of Hull?—I consider the present accommodation for steamers in the port of Hull is as wretched as anything can be.

3588. Did you have that in view when you fixed upon the site for the improvements in general?—I did, and consider it very material.

Cross-examined by Mr. *Hildyard.*

3589. Were you acquainted with the town and commerce of Hull before you went down in March last?—Nothing more than as a passenger, in passing frequently through it.

3590. You have not, therefore, furnished to the opponents of this Bill any plan, in consequence of which notices of application to Parliament were given by them in the Gazette?—No, I know nothing of any notices given.

3591. The notices given in last October were not in reference to any plan you had given?—No, surely not.

3592. Had they any specific plan, as a plan upon which those notices were given, when you went down, that you are aware of?—There were a great variety of plans put into my hand when I went down there, but whether any of those plans had reference to any notices you speak of I cannot mention.

3593. Specific detailed plans?—They were rather vague ideas, laid down upon existing plans in lines, than a uniform and consecutive plan.

3594. Were they such plans as parties would have applied to Parliament, upon having a *bonâ fide* intention of carrying out their works?—I should say not.

3595. Were all those plans plans for constructing a dock out of the harbour, or were there other sites suggested?—I think I saw plans for docks on the east



east, docks on the west, and four or five different ones for making the Old Harbour into a dock.

*J. M. Rendel, Esq.*

24 June 1840.

3596. Different plans were presented to you, as plans submitted to and considered by the harbour-side proprietors?—They were submitted to me as plans propounded by all parties, in order to make my information as complete as they could make it.

3597. How long were you at Hull?—I think I was there six days

3598. When you were there, I understood you to state there was a proposition sent to the Corporation of Hull, and other bodies you mentioned, to meet you, and hear the plan you suggested?—No.

3599. What did you state upon that subject?—I did not state any thing upon that subject; I desired I might be furnished with all the information that the parties employing me could furnish; and I requested that the parties employing me would not only send me those persons who advocated their views but give me an opportunity of examining others, and three or four different people came to me; I cannot give you their names now, but there were three or four parties who came to me, and some of those parties appeared to oppose the views of the harbour-side proprietors and some of them were strong advocates for that plan.

3600. Do you happen to know the day you left the town of Hull?—If you will let me give you it positively to-morrow, I will do so; I will refer to my diary.

3601. If you please, I wish to have the precise day. You seem to consider it an advantage in any great work of this sort, that the work should be constructed with a regard to vested interests?—Yes.

3602. Taking into consideration the importance of warehouses in the harbour, have you considered their vested interests as an important feature in any project of that sort?—Yes.

3603. Would not that principle have led you to oppose the construction of the Humber Dock?—I think the Humber Dock, from its not being separated from the town of Hull by a navigable river, cannot be said to bear any analogy to a dock on the eastern side of the town.

3604. Would not that principle have applied, in your judgment, to the construction of the Humber Dock instead of a dock formed out of the harbour?—I would wish to answer the question as simply as possible, and I should say again that it does to a degree but not to so great a degree.

3605. But with the views you entertain, you might have been called as a witness when the Humber Dock was proposed to urge the expediency of constructing a dock out of the harbour in lieu of it?—I should say not.

3606. What advantages would the Humber Dock have afforded over a dock made out of the harbour, that would have led you to prefer the Humber?—Assuming only six acres of dock room to be necessary, and I believe the Humber Dock is about six acres, assuming that that quantity only was necessary and looking to the possible necessity for increased accommodation, it was the very best situation that could be selected with reference to the town of Hull, because it manifestly led to the dock called the Junction Dock being made.

3607. Would not the Harbour Dock have afforded much more than six acres accommodation?—Yes, but I presume that six acres was considered all that was necessary; and inasmuch as that six acres could be obtained at a less cost than six acres in making the Old Harbour, the parties would be more justified in making their dock where they did than in making the Old Harbour into a dock.

3608. Are you aware that the cost of the Humber Dock was 240,000*l.*?—I should very much like to have been the contractor at that time; I dare say it did; but when that dock was made, timber was at a very different price to what it is now.

3609. Now I will take you to Mr. Walker's plan; in the first instance, who were the persons with whom chiefly you had communication when you were at Hull?—If the learned Counsel will allow me, I will at the same time I give you the date of my leaving Hull, give you the names of all the parties I saw there.

3610. I do not ask you the names of all the parties; had you or not communication chiefly with some individuals during those six days?—Of course, I had considerable communication with those who employed me.

3611. Who are those gentlemen?—Mr. Hassel, Mr. Smith, and Mr. Gibson; they were all strangers to me.

3612. In six days' communication you must have become acquainted with those with whom you had intercourse?—I did not associate with them out of business hours.



*J. M. Rendel, Esq.*

24 June 1840.

3613. You must know who chiefly were the persons from whom you sought and obtained information?—The parties I was most in communication with whilst at Hull, were Mr. Smith, Mr. Hassell, and Mr. Gibson; and then I saw a gentleman who belongs to the Trinity-House, he was with me a good deal.

3614. Are you aware that Mr. Gibson is not one of the persons who support the plan you are now proposing?—No, I am not; I had not proposed a plan at that time.

3615. Did they state to you what the character of the trade of Hull was?—No they did not state that to me, they took me over the warehouses, and they took me over the old docks, and you see the instructions I had, stated that additional accommodation to the extent of 20 acres, was necessary for the existing trade.

3616. Was the extent and importance of the timber trade pointed out to you specifically and distinctly?—No, it was not.

3617. Of course of your own knowledge, you could not know the extent of the timber trade of the port?—Of course not.

3618. You could not of your own knowledge, know the extent to which the timber trade was a trade of transit, and not a trade for the use of the town and neighbourhood?—No, the steam-boat traffic and the general commerce was pointed out to me as that which was chiefly to be provided for.

3619. Assuming that there is a very extensive trade in timber for Hull, and a very extensive portion of it only transit trade, do you or not consider Mr. Walker's plan is a very good plan for the construction of a new dock?—With reference to timber, I think it is.

3620. Is it not convenient both for the approach of vessels from the Humber mouth, and also for the transit of timber upon the Humber, the Ouse, and the Trent?—Yes, I think it is convenient for vessels.

3621. Is it not very convenient as affording a large vacant space around, which may be had at a cheap rate, for the construction of raft-yards and timber-yards?—I have already stated so.

3622. Is it not, in those particulars, a more convenient dock than your own?—I should say this, there are 14 acres of dock room provided; if that 14 acres of dock room has a timber-pond added, which is eight acres, that would make altogether 22 acres of additional water, which would be, compared with my dock of 17 acres, five acres more. Then there would be that five acres of additional water accommodation for timber; but if the dock only is constructed, which is 14, and my dock which is 17 is constructed, there would be three acres of my dock which might be appropriated to timber, leaving room for the same number of vessels, 140, that Mr. Walker's dock would give room for.

3623. Do you think that 14 acres of dock room is a sufficient provision for the timber trade of the town of Hull?—I have already said, that I am not so intimately acquainted with the trade of Hull, as to be able to give the opinion which I should wish to give before a Committee of the House of Commons.

3624. Then do I understand you to state that the whole merits of Mr. Walker's dock, as a timber dock, depends upon the completion of the timber-pond?—If in that state of the timber trade Hull requires so much accommodation, it is a very important part of the plan that it should be completed.

3625. Are there not many timber docks where the timber is drawn up the walls by slips and deposited in raft-yards?—It is a very common arrangement.

3626. Is it not so at Liverpool?—Yes.

3627. Is not that a very convenient arrangement?—Yes, very.

3628. Is it not the principle upon which it is entirely conducted at Liverpool?—Yes, I believe it is entirely; but I do not think the trade at Liverpool is carried on chiefly from ponds.

3629. But taking the wood up the walls of the docks by slips and depositing it in raft-yards is a convenient arrangement?—Yes, it is a very convenient arrangement.

3630. Is not that the sole arrangement made at the port of Liverpool?—Yes.

3631. May not that be done upon Mr. Walker's plan without the creation of timber-ponds?—Yes, it may.

3632. *Committee.*] What is a slip?—It is merely a recess, or rather, I should say, the wall of the side of the dock, not being carried up the general height of the wall, an inclined plane is made down to the level of the water, so that  
a rope

a rope or chain may be fastened round the timber, by which the horses draw it out of the pond. *J. M. Rendel, Esq.*

24 June 1840.

3633. *Mr. Hildyard.*] Assuming this dock to be chiefly used for, and mainly adapted and intended for the purposes of the timber trade, will you point out the great necessity that would exist for a communication between this dock and the other docks of the town?—Assuming it to be chiefly designed for the timber trade, I do not think that communication of so much importance, excepting it is for the accommodation of those timber yards above the North Bridge; and there are great numbers of them which would, in order to get their timber if that communication were not made, have to take their timber through the great lock into the Humber, and up the Old Harbour.

3634. Do you not think, if this dock and raft-yards were to be constructed, that the transit would be chiefly confined to this new dock and the yards you are speaking of; that it would be confined to those cargoes of timber intended for the use of Hull and its neighbourhood?—Yes.

3635. Would not the course of trade be, that the vessel would find its way into the Old Dock, where a considerable trade exists, and be from that place floated to the existing timber-yards, in the mode in which it now is?—Yes, if there is a very considerable amount of timber; according to what I observed, walking up the bank of the Hull along the margin on both sides of the River Hull, I presume that it would form a very considerable proportion of the timber trade that would go into this dock.

3636. Is not that a locality which, assuming a great increase in the trade of the town, would be very valuable for other purposes, assuming that the timber trade gradually brought itself to this locality?—I should say it is a very difficult thing, if you destroy a wharf that has for a long time been appropriated to a particular description of trade, to fix any other upon it.

3637. Do you mean to say that the locality is not a very advantageous locality?—It is a very disadvantageous locality for vessels having to go through the North Bridge.

3638. You are speaking of the timber-yards above North Bridge?—Yes.

3639. There are some below North Bridge?—Yes.

3640. Are you not under a false impression in thinking that the greater proportion is above the North Bridge?—I would rather that was answered by persons more acquainted with it than I am; as I walked up the Hull river, I observed on each bank above the North Bridge a very considerable amount of timber and timber-yards.

3641. *Committee.*] No ponds?—No, no ponds that I observed.

3642. The river itself supplies the want of ponds?—No, the timber was taken into the yards, as Mr. Walker proposes to take it out of the docks; the timber was floated up the harbour, or landed from the vessels and drawn by those slips into the timber-yards.

3643. *Mr. Hildyard.*] Are the existing docks, the Old Dock, the Humber Dock, and Junction Dock, well situated for conducting the general trade of the town?—I think very.

3644. Do you or not think it would be a great advantage to withdraw what is called the lumber trade from those docks, assuming they are now inadequate to the general purposes of the trade of the town?—I think it would.

3645. Not assuming your “Additional Dock,” as it is called here, to be converted into a timber-pond, which is not your project, I believe, do you think that your dock would afford the same attraction to the timber transit trade as the dock proposed by Mr. Walker does afford?—Always assuming that additional dock room is required for the timber trade, and that the timber trade may be separated beneficially from the other trade, I should say not.

The Committee-room was cleared.

[Adjourned till To-morrow, at Twelve o’Clock]

*Veneris, 26<sup>o</sup> die Junii, 1840.*

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RICHARD BETHEL, ESQ. IN THE CHAIR.

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*James Meadows Rendel, Esq.* was again called in ; and further Cross-examined by *Mr. Hildyard*, as follows :—

*J. M. Rendel, Esq.*

26 June 1840.

3646. What day did you leave Hull ?—The evening of Saturday the 7th of March.

3647. You were there six days ?—Yes.

3648. I think you stated that where sloops, lighters, and rafts were to be locked-out of the new dock, in your opinion, they would wait till high tide ?—I do not recollect that.

3649. Do you not recollect being asked whether they would wait till high tide, and whether there would not be a difficulty in getting up the river because the tide would turn ?—Yes.

3650. Do you imagine that if a sloop was intended to make its passage up the river, or a raft, after it had left the new dock, that it would wait until the tide had turned ?—I do not think that the Dock Company would be disposed to lose much water from a 14 acres' dock for a small craft ; I do not think they would lock-out a small craft.

3651. Till high water point ?—I do not say that ; but I do not think they would lock-out so as to lose much water.

3652. Do you think they would lock-out in sufficient time to enable the tide to take the craft up the harbour if such were their destination ?—Which lock do you speak of ?

3653. I am speaking of the lock to the Humber.—Then the Dock Company, would not be very much disposed for the small craft to lose so large a quantity of water ; it is a very large lock.

3654. Do you know how long the tide continues to run up from high water point ?—It depends upon the tide you take, a spring or a neap tide.

3655. Take a mean tide.—I cannot state at what time the tide stands from my own knowledge ; I should say, perhaps, about an hour at neap tides ; full an hour.

3656. Is not the channel very near the mouth of that basin ?—You mean the channel of the Humber ?

3657. Yes.—It is.

3658. Will not the tide run up longest at that point ?—Yes, it would ; and here along the shore.

3659. Do you not think that a sloop may be locked-out at high water and still take its course up the river, without being impeded to any practical extent ?—Yes, no doubt, if wind and circumstances admit.

3660. Will there be any difficulty, if this basin was not inconvenient for the locking-out, to let the timber wait and go out the next tide ?—No, I apprehend not.

3661. Under those circumstances, that objection would be removed ?—You might make a considerable deposit of timber in the basin, and not inconvenience the business of the Dock.

3662. The next tide there would be no necessity to lock-out ?—No.

3663. I think it now turns out your own plan of the jetty projects as much as Mr. Walker's ?—Yes, it is rather more : I should wish to say, that in the report I made to the harbour proprietors, when I sent this plan, I stated it would be absurd to determine the exact projection of that pier ; that it would be very much better to determine it as the work proceeded.

3664. Now, as respects the eastern side of the basin—the shore to the eastward—do you apprehend any inconvenience from silting on that side ?—I think the mud will accumulate all over the basin, as laid down here.

3665. I am not speaking of the basin : do you see any inconvenience from the accretion of mud to the eastward of the basin ?—You mean on the foreshore ?

3666. Yes ;

3666. Yes; where could that accretion of mud be, but on the foreshore?—I think there would be an accretion of mud on the eastern side of the basin. *J. M. Rendel, Esq.*

3667. Tell me the inconvenience which would result?—I do not see any.

26 June 1840.

3668. Would it not be an advantage that a certain portion of the land would be reclaimed?—Yes, I should like to say why; I should say on account of the great breadth of the Humber at this point; I do not see any disadvantage at all arising to the navigation from the contraction of it; on the contrary, I apprehend there would be some advantage in it.

3669. Does that part of the foreshore form a part of the practicable navigation of the Humber?—No, it does not.

3670. As regards the silting on the east, there is no disadvantage, but an advantage?—Yes.

3671. Now, on the west, confine your attention to the part that intervenes between the western pier and the flow of the river, do you see any objection to accretion there?—Not if the Dock Company do what is necessary in the event of any serious accretion thrown out by the pier from the Old Harbour mouth, so as to prevent any great accretion at the mouth of the harbour.

3672. There would be an advantage from it, instead of a disadvantage?—Yes.

3673. You have stated that the Craunch is formed of hard materials; bricks, and other hard materials brought down by the force of the tide?—I did not say bricks.

3674. Are there materials as hard and as heavy as bricks?—Yes, there is chalk-stone.

3675. And in masses as large as what they call a brick-bat?—I did not see any of it so large as that, it was dug up in masses, but it was not so hard but a stream dredge could remove it.

3676. Were not they such masses as indicated considerable strength in the current?—Yes, manifestly.

3677. Do you not think that is an indication that the strength of the River Hull is sufficient to scour itself from the accretion of mud?—Undoubtedly so; the strength of the current unquestionably could clear the channel through the mud; but the tendency of the mud to accumulate on the eastern side of the channel, and to drive the channel still closer to the western shore is as unquestionable. The bank will increase westward at the expense of the channel; I do not mean that the bank will actually stop up the channel, that is perfectly absurd to suppose; but it will drive the channel to the westward.

3678. You say unquestionably; did you hear a person acquainted with the navigation of the harbour for 40 years state there had been no accretion of the mud to the eastward, but that the channel had been narrowed by the construction of a pier in front of Nelson-street?—I did not hear that evidence; and if I had, I should certainly not have concurred in it.

3679. Assuming that the channel, by the construction of that pier and another pier you will observe running out in a certain direction southward, is prevented getting to the east, will not it keep itself open and scour away the mud by its own force? Assuming that pier still is suffered to remain and thereby preventing the channel going further to the west, do you not think the force of the water from the Hull will scour the river from any accretion of mud?—Yes, I think it will; and I think that all those obstructions which are thrown out as I have before said, tend to accumulate the mud; and if the mud is accumulated, although the ebb water from the Hull will be sufficient to maintain itself a channel through the mud, still, it will be that kind of zigzag channel which we know a weak river of this kind forms through a series of mud banks.

3680. Do I understand you to call the River Hull, a weak river?—In comparison with the Humber into which it flows; and when a weak river falls into a strong river, the effect I have just named will be produced.

3681. Will not the effect which has been proved to have been produced, rather result that the heavy materials, when they come to the confluence of the two streams, will rest; do you mean to state the mud will rest at the confluence of the two streams?—Wherever one river falls into another, and one is weaker than the other, there will be, as a matter of course, a point where the weak river is overcome by the strong one; and wherever that occurs there will be a deposit.

3682. Of what?—Whatever the river contains, whether mud, or gravel, or chalk, or what not, because there is at a point somewhere of the junction of these rivers what is called stack water, and that the heavy materials will subside.

*J. M. Rendel, Esq.*

26 June 1840.

3683. What is the distance of Mr Walker's pier from that river, is it not 400 or 500 yards?—From the western side of Mr. Walker's pier to the entrance of the Hull, is a distance of 2,500 feet.

3684. As an engineer, are you prepared to state your opinion, that a projection like the western pier of Mr. Walker's basin, will cause at a distance of 2,000 feet an accretion of mud at the confluence of the River Hull and the River Humber?—Yes, I am, as an engineer, most distinctly of opinion, if Mr. Walker's plan is carried, that it will be absolutely necessary, to preserve a good entrance to the Old Harbour of Hull, to run off a pier to somewhere about the same line as the basin laid down in my plan is run off.

3685. Perhaps you will go further and say, that that pier will occasion an accretion of mud to the westward of the stream of the River Hull, that the entrance will not be terminated by the channel of the Hull?—I quite feel with Mr. Walker, who gave his evidence upon that point, that it is out of question that any engineer should say how far that mud will have a tendency to accumulate; that it will accumulate, I am certain, but I cannot say how far; I cannot say how far it will accumulate up the harbour; my own opinion is, that there will be a tendency to accumulate in a straight line drawn from the greatest projection of the basin up to what is called in the engraved plan the "Humber Bank."

3686. Do I understand you, as an engineer, to state your belief, that the action of Mr. Walker's west pier upon the mud will cause an accretion of mud to the westward of the channel of the River Hull on the foreshore?—Decidedly I do.

3687. Do you know how high up the River Hull is navigable for a vessel of 50 tons?—I really cannot say from my own knowledge.

3688. Do you know that it is navigable for a considerable distance for a vessel of 50 tons?—Yes, I know it is.

3689. Should you think that the force of that vast body of water will not prevent the action of that pier on the foreshore to the west of this stream?—I think it will to a very considerable extent. I am referring now to the tendency which such a projection will have upon the whole line of the foreshore; and my reasoning is this, the tidal line will be a straight line, and all that is within that straight line will have a tendency to accumulate: I am very well aware in rough weather and heavy winds, a considerable portion of the mud deposited in fine weather will be taken away again, but the general tendency will be to accumulate in that line.

3690. Now, as to your own basin; if such be the action of a projecting pier, there will be a great tendency to silt in your own basin?—There will.

3691. Now, to come to the west of your own basin, you project into the stream a considerable distance there?—Yes, I will tell you how much if you will allow me—260 feet.

3692. That is without including the bridge?—Yes.

3693. The bridge will let the water go through it?—Yes, it is upon piles.

3694. And still there will be a tendency to accretion?—The obstruction that the piles will create, will increase the velocity and do away with that tendency.

3695. The accretion is chiefly on the ebb tide?—Yes.

3696. Will not there be a great tendency to silt to the westward of your own western pier?—I have no doubt of it.

3697. That is much greater of course than can by possibility result from Mr. Walker's western pier, on the eastern side of the River Hull, at such a great distance from its position?—I think this plan would be more objectionable than Mr. Walker's to the entrance to the Hull, if the Old Harbour is to remain as a harbour.

3698. I am speaking of the west?—Yes, undoubtedly; I have no doubt it will fill up in the straight line I have referred to before.

3699. That is in front of the district where the railway terminates?—Yes, I have no doubt it will.

3700. I will now take you to your own dock; do I understand you to state, you begin in the first instance with cutting of your new river?—Yes, I should.

3701. How long do you imagine that work will be in operation practically; I do not mean if supplied with unlimited funds; but, as an engineer, how long do you allow for it if constructed at all?—I should say it would be injudiciously hurried if done in less than two summers and one winter; and I think there would be injurious delay if it exceeded that time.

3702. Where should you begin?—I should begin at different points, I said.

3703. Should

3703. Should you be at work on the whole line at once?—I should begin with the most difficult, the wood-wharfing through the timber-ponds. *J. M. Rendel, Esq.*

3704. For two summers the present timber-ponds would be destroyed, without any substitute being afforded?—I think they would. *26 June 1840.*

3705. I understood you to state it was your intention to have wood-wharfing only down a portion of the line, namely, at the junction between your new cut and the Old Harbour, and also at the entrance to the Humber?—I will state it again: the wood-wharfing would extend through all that portion of the cut I call unsound ground, namely, from the present harbour down to the Garrison Bridge?

3706. Is that the Garrison Bridge marked "Bridge" upon your plan?—It is the existing bridge.

3707. That is exhibited in the plan before the Committee?—Yes, it is exhibited as being taken down.

3708. You have stated it would commence again about the bend of the river?—Yes.

3709. Give me in rough numbers the lineal extent of the cut that will not have wood-wharfing?—I will give you the whole length, and deduct that which is wood-wharfing.

3710. If you please.—My assistant shall make the calculation.

3711. Do you propose to protect these sides in any way, if there is not to be wood-wharfing?—No, if there is not to be wood-wharfing.

3712. That is to be wholly unprotected?—Yes.

3713. You greatly object to the protection arising from casting any hard material into the bed of the channel?—Yes; but casting it into the bed of the channel, and making a slope of hard material are very different things.

3714. Have you, in your estimate, estimated the expense of doing any such thing?—No, I did not think it necessary.

3715. Did you not say that the river would scour itself and increase the depth?—Yes.

3716. Do you think the effect of putting down such materials as you speak of in the channel will be, that the water will force them out of their places, and carry them down as they now are?—I think it would be extremely injudicious to place any materials of the kind we have been speaking of either in the slopes or bottoms, until the river had formed the requisite size for its accommodation.

3717. You do not propose embankments on the sides; you propose the sides should be flat?—The ground over which the river is cut is generally below high water mark; I therefore propose that the best of the soil that might be found in the cutting (the best will be always the top) should be used in forming the embankment on either side.

3718. What breadth of embankment do you propose?—It would depend upon the quantity that comes out.

3719. Will not the embankment make the access very difficult?—No; it would be at the same level as Mr. Walker's dock and our own dock; the embankment would be raised five or six feet above high water mark.

3720. Do you contemplate an embankment of the same breadth as Mr. Walker's quays?—I calculate that the whole quantity of ground excavated from the cut by digging should be deposited on the shores, so as to raise them sufficiently for the purposes of commerce.

3721. But the breadth you have not calculated?—The quantity I have given that will spread over the surface seven or eight feet in height would be very considerable.

3722. Do you contemplate any slipping?—No, I do not.

3723. Do you know that a large drain has been cut through the soil about a mile off?—Yes, I believe there has.

3724. Do you know that the sides of that drain have slipped tremendously?—No; I will just explain to the Committee why I did not think it necessary through the sound ground to provide wharfing: in the old channel, before it was converted into the purposes of commerce, there was nothing but a bank, and it was only where the river made a bend it was necessary to protect it by jetties.

3725. Which side of the harbour is that?—The citadel side of the harbour.

3726. Are you aware there are three projecting quays or jetties running along that side to protect it?—Yes, in the crooked part.

3727. Are you not aware that hard materials and piles are sunk for that purpose?

*J. M. Rendel, Esq.* purpose?—Yes, in the crooked part, but not in the straight part; but I have no idea there would be any difficulty where the cut is straight, in making the present ground sufficient to contain the river, because it would form for itself a sufficient sectional area, and when that was done the banks would not slip; it is the case in many other places.

26 June 1840.

3728. Should you be surprised if it were shown that the drain I am speaking of, which is not accessible to the tide but has a lock protecting it from the Humber, has in the straight slipped to an immense extent?—I think it very probable; and I should not say it was impossible that a slip might take place in this channel, but it is not such an event that an engineer should contemplate so as to provide for it, because there are contingencies put down to cover such matters.

3729. Will not the bank be more liable to slip from the circumstance of there not being a tide acting upon it both ways so strong as the tide of the Humber?—No, I think not; I think the fact of the ground being saturated twice in the 24 hours is one very much in favour of my opinion, that it will not slip; if this was a drain occasionally filled and empty there would be much greater danger of its slipping than in the case of a river.

3730. Will not the traffic you have, have an effect on the sides and induce them to slip?—No, I think the contrary; we know that whatever consolidates ground strengthens it, and we know that travelling over an embankment consolidates it.

3731. You think the paddles of the steamers perfectly unprejudicial?—I do not think steamers would ever go up, or at least not to an extent to do damage.

3732. You do not apprehend any damage from the tide getting beyond your piles?—No, because we have made returns or wings that run into the embankment to prevent any thing of that kind happening.

3733. That is what you would do?—Yes, every engineer does.

3734. You do not contemplate slipping, but you contemplate making the return wall?—You were asking me as to the part not wharfed whether it would slip.

3735. I asked you as to the part wharfed whether the tide would not get behind it?—We mean the same thing; you are asking me with regard to the water getting behind the piles, I say it should not, because the piling would be returned into the embankment.

3736. That would not be necessary if the embankment that was not wharfed would stand?—I should say that we shall cut it in one form; we shall cut it with straight sides sloping, and the river will form it as will be most convenient for it; if we put it into one form the river not liking it will give it another.

3737. If the river does not adopt your form, is there not danger of the river getting behind the wharfing?—No, we return the wharfing into the bank.

3738. You have stated it was your intention to use the piles of this coffer-dam in wharfing that portion of your new river that projects upon the foreshore of the Humber?—Yes, the basin; all the coffer-dam piles.

3739. This coffer-dam cannot be put down I take for granted, until the channel is complete as a channel for water?—Yes, exactly.

3740. How long do you imagine that coffer-dam must stand where it is put down in order to perform its duties at that point of your work?—I should say that the entrance basin of the new channel will be the last thing performed, and there is no occasion for it before; indeed, any engineer having economy for his guide, would not think of doing it before, because the river ebbing to and fro the new channel would perform a large portion of the excavation of the mud which I have charged in my estimate.

3741. You have stated that the whole of the new cut is complete before you dam up the channel of the Old River?—Yes.

3742. How long must that coffer-dam, put down to construct the lock at the northern part of the dock, remain there before the lock will be constructed: how long must the coffer-dam be down before the purposes for which it is put down are completed?—Fifteen months.

3743. Do I understand you to say that the coffer-dam put down at the northern lock of your dock must be down 15 months?—Yes.

3744. And that cannot be put down till you have opened the new channel?—No.

3745. Inasmuch as you do not mean to take up the wood-wharfing to be ultimately employed in protecting the eastern pier of the basin of the new cut before that time, what in the mean time is to protect that projection from the action of the



the Humber?—I have no doubt whatever that the stream from the Hull would keep open the entrance through the mud for many years without any pier at all; and my principal object in running out the pier there was to make it a harbour of refuge for the small craft; I should say, as an engineer who has had experience in the matter he is now speaking of, that the river is powerful enough to find itself a channel through the mud; the extent of it is not more than 650 feet.

*J. M. Rendel, Esq.*

26 June 1840.

3746. Then I understand you to say that the new cut will be completed in the first instance, but this projection will not be finished till you have drawn your piling?—I mean to say, that part of the cut that is to be executed before the lock is commenced will only be completed as far as from the Hull to the Humber Bank, but the cut made by the steam dredging boat through the mud, I mean all that part of the work which is called in this plan the basin, should be done the last thing of the whole of the works.

3747. Now I go to the dock; I think you say it is probable that that work will be executed by thirds at a time, that you will cut out the first one-third, and then another, and so complete the whole works?—That is the plan that seems to me the one that would occasion the least interference with the trade of the Old Harbour.

3748. How long do you think that these coffer-dams will require to be down, beginning with the northern third?—That coffer-dam would go down pretty nearly at the time the dam for the lock went down.

3749. You think 15 months would be occupied in that part?—The upper part of the Old Harbour and the northern lock might be done in 15 months.

3750. During that period the warehouses in that space would be inaccessible by water from above and below?—Yes, the vessels could not get nearer to them than the dams.

3751. Now I take the next third—you will have to distribute the thirds in that way—now I will take the centre portion of the dock, how long will that be cut off from intercourse with the Hull or the Humber?—I should say, as an engineer, it ought to be done in a summer.

3752. What space do you propose to enclose there?—Suppose you divide the whole into the old channel from the northern lock down to what is called Blackfriars-gate and take it in three months.

3753. The summer is an ambiguous term; tell me in how many months you think that centre portion might be done?—I will give a year.

3754. Why say a summer; is a summer and 12 months a synonymous phrase?—You asked me how long I should be in excavating that part.

3755. No; how long there would exist a necessity for those two coffer-dams including the centre part?—That was not the question.

3756. That is the question?—The question was, how long I should be in excavating the middle third.

3757. No; how long there would exist a necessity for its being cut off from the communication?—Twelve months.

3758. When you speak of those periods, I would ask you whether you have ever constructed a work of this description?—I have never constructed a work in an old harbour such as this of this description; but for the last 20 years I have had as much experience in tide-works as any man in this country of my age, and I dare say a great deal more.

3759. I did not ask the question without consideration: when you assign those periods, I ask, are you not speaking without any practical experience to guide you in a work of this precise nature?—Yes, of this precise nature.

3760. So as to afford you tolerably accurate data?—No.

3761. What works have you done?—I will begin at the Land's End.

3762. I do not wish that.—I have done harbour works at Helston, at Perran, at Plymouth, at Exmouth, at Poole, and a variety of other places.

3763. That is to say harbour works: has it ever been your fate to construct coffer-dams across a harbour in the way you propose here?—No, I never have, and I said so before.

3764. What time will you allow for finishing the other third of this work?—I really would wish to give the best possible information I can, and I should say another 12 months; I cannot answer to a month, because every one of the Members of the Committee and the Counsel himself must know, that what a man may do one year, he may not be able to do another year.

3765. Do you not think it rather an important part of this inquiry for the

Committee



*J. M. Rendel, Esq.*

26 June 1840.

Committee to ascertain the periods during which a total obstruction will take place to a portion of the trade of the harbour?—Yes, and if you will ask me that question, I will give the Committee my views upon it.

3766. I have asked you that in my questions, and you have assigned two, 12 months and 15 months.—No, I have not; I have said while the northern lock was in hand, which would take 15 months, the northern end of the Old Harbour would be in hand.

3767. Did you not say that the northern lock would take 15 months?—Yes, that and the works connected with it.

3768. And the other works would be in construction at the same time, and both completed together?—I wish the Committee to understand me from my own words; I have said that the next third part would take 12 months, so that from the time of the commencement of the obstructing the Old Harbour to the time when the two thirds would be open, would be two years and three months.

3769. Do you apprehend that as soon as the coffer-dam is got out of that which is now the Old Harbour from the River Hull, there will be a vast increase in the accretion of mud, resulting from the Humber flowing in and out of your present harbour in the space that intervenes between the Humber and the coffer-dam?—A vast accretion is a very large phrase.

3770. Then give me an answer; do you say yes, or no?—I say there would not be a vast accretion.

3771. Would there be a much greater accretion than exists at present when the river is scoured out by the force of the water?—Unquestionably.

3772. Would it operate as an obstruction to the trade between the Humber and the harbour during this period of two years and three months?—No, certainly not.

3773. Now I will take you to your dock. You state, I think, most distinctly, that it is in your opinion a great recommendation that this work should be constructed with reference to the existing interests, that is to say, the warehouse interests; that is your distinct opinion upon which your plan proceeds?—Yes, it is my deliberate opinion.

3774. I suppose those interests would be as much invaded by the construction of new warehouses, if they were constructed in a greater or less degree, as by the construction of a dock in a different place?—I think all docks ought to have warehouses.

3775. Do you think rival warehouses will grow up out of your plan, or that the trade will be conducted through the agency of the present warehouses?—I have no doubt that the dock proposed by me would give rise to new warehouses.

3776. Where would be the site of them?—I cannot say where.

3777. Do you mean on the immediate site of your dock?—I should say that warehouses would in all probability grow up along the eastern side of the dock, between that and the city.

3778. That is to say, that the warehouses would encroach upon the space allotted for quayage?—Yes, if the Dock Company, or whoever executed the works, permitted it: I think that the wants of the port require it.

3779. Will you tell me whether the space that is to be occupied by the dock will require that a portion of one of these bastions (if that is the correct term) of the citadel should be actually taken down?—I know it will not.

3780. Do you mean to represent you have to take down no portion of the citadel wall, in order to get your site for your dock?—The question asked me was, if I took down any part of the bastion.

3781. Do you take down any part of the citadel?—The plan laid down would take off at one part an angle near the southern blockhouse of 20 feet.

3782. From the citadel outside wall?—Yes, near the blockhouse.

3783. *Committee.*] Have the goodness to explain the bastion; is it an angle of the outside wall?—This is a part of the wall of the western moat.

3784. *Mr. Hildyard.*] You at all events cut off 20 feet of the counterscarp, if that is the proper phrase?—By supposing the road to be made in a straight line from the upper part of Tower-street down to the entrance of the citadel at the southern blockhouse, we should take off from the angle of the moat wall (I should not call it the counterscarp) 20 feet.

3785. Is that the sole encroachment you contemplate upon the actual works of the citadel?—We take off a part of the moat.

3786. Is

3786. Is that the sole encroachment you contemplate upon the walls of the citadel?—Yes. *J. M. Rendel, Esq.*

3787. How do you propose that the quays south of that portion of the citadel are to communicate with the eastern side of your dock?—By taking off the very corner I have referred to. *26 June 1840.*

3788. I did not ask you the question, whether it was required for the dock, and not for the road?—I did not understand it as having reference to the water-line of the dock.

3789. Does not this show the dock wall; does not this small plan show that the dock wall will cut off a portion of the citadel?—The sea wall of the citadel is in a line with our dock wall.

3790. There was a slight inaccuracy with respect to your projection into the Humber: are you clear you do not require an angle of the citadel for the dock, without making any allowance for the quay, to unite the northern and southern points?—I have to say again, as I said 10 minutes or a quarter of an hour ago, that according to the measures furnished to me by the surveyor, who is in the room to prove their attorney, we take no more than 20 feet from the citadel.

3791. Was that the surveyor who furnished you with the inaccurate quantity you have stated?—That we took from Mr. Walker's own plan.

3792. When did you first submit this plan to those who employed you?—It was sent to the parties who employed me the 22d of April.

3793. Did the project you so sent to them embrace all the features of this plan and new cut?—Yes, it was in fact the plan which is now on your table.

3794. When did you send to them the estimate of its expense?—I did not send to them an estimate of the expenses until I had more information than I had obtained when I forwarded the plan.

3795. Can you tell me when it was you obtained that information?—The information upon which I founded my estimate was supplied, I think, about the 10th of May.

3796. When were your estimates themselves made out?—They were made out the latter end of May, my assistant tells me, who is in the room.

3797. Have they undergone alterations since that period?—No.

3798. Do you mean that it is purely accidental that you coincide with Mr. Walker almost in every point in the estimates you made?—Yes; and any insinuation to the contrary most unjust; I am prepared to go into all the details of my estimate.

3799. Is it accidental?—Yes, it is; and neither are the works of that profound nature that any men who understand their business need very far differ.

3800. When you construct your walls, partly of brick and wood and stone, as Mr. Walker does, that is another instance of great genius jumping together?—No, it is not; Mr. Walker's agent, a Mr. Timperly, has published a very elaborate account of the Hull Docks; and as he has declared that everything was very ingenious and clever, I thought I could not do better than adopt it, and I made up my estimate from plans that have been executed with success.

3801. Then it is not so affronting to say you have followed Mr. Walker in this matter?—Yes, and in many instances before.

3802. From adopting these calculations of Mr. Walker's, you are prepared to state that you think that his estimates are tolerably correct?—Yes, I think they are, and such as the work may be executed for.

3803. Have you calculated the cost of maintaining these works if executed?—No, I have not; I will do it for you by to-morrow, if you wish.

3804. What is the area of this basin in front of Nelson-street and the Humber Dock?—Twenty-one acres, I think it is.

3805. You have already told us that the approach on the eastern side is 300 feet, and the opening to the south is 250 feet?—Yes.

3806. Do you know the strength and violence of the Humber in rough weather at that point?—Yes, I know it is very considerable.

3807. You have made no provision for the large class of steamers beyond that basin?—No.

3808. Have you constructed your own southern lock, which is the widest, upon the same scale as the Humber lock?—Yes, the same size.

3809. Then the provision you have made is a basin of 21 acres, having an entrance from the east of 300 feet, and an entrance south of 250 feet, and having

*J. M. Reniel, Esq.*

26 June 1846.

a bridge on piling, through which, you say, the water will pass with such velocity as to prevent accretion?—Yes.

3810. You admit that the tide is of great violence in rough weather?—It runs four or five knots.

3811. Are you not aware there is great agitation on the jetty in front of Nelson-street?—Yes, I know there is.

3812. I wish to ask you, are you prepared to represent to the Committee that such a basin will afford to steamers sufficient protection in rough weather?—Yes, decidedly I am; and I believe that is the best part of the plan.

3813. Is it to be of sufficient depth for the steamers to be constantly afloat?—The very circumstance of its being more exposed than Mr. Walker's basin, is a circumstance in its favour for giving depth.

3814. Is the basin constructed so as always to afford water for them at low tide to lie afloat?—The basin is excavated to five feet below low water at spring-tides, and in my examination, in chief, I stated I was quite satisfied, from its size and capacity for steamers to run in and move about with freedom which they could not do in a small basin, that that would tend to keep it to that depth, or deepen it.

3815. What depth of water do large steamers draw?—Fifteen or 16 feet, if you mean such as the British Queen.

3816. I mean the largest class that now frequent the port of Hull?—From 12 to 14 feet.

3817. Do you contemplate that there would be that depth of water in this basin?—Yes, and more than that between the steam-boat pier and the wharfs, from the rapidity of the current passing through this basin, between the steam-boat pier and the breakwater, and the wharf on the west of the dock, on the east there will be more than 12 or 14 feet water at low water spring-tides after it is used.

3818. Though you only excavate for five feet, you calculate the natural effect of the stream will keep the basin open and give 12 or 14 feet water?—I reckon alongside that steam-boat pier there may be two first-class steamers in length, and two or three in tier, and consequently by that pier you may berth at least from four to six large class steamers; and upon the very fact of those steamers being there berthed, we shall maintain the depth I have stated; and I can state instances that have come under my own professional knowledge to justify that opinion.

3819. That is to say, 14 feet of water?—Yes.

3820. Do you know that the basin of the Humber Dock was the resort of all the river steamers; the Gainsborough, and Hull, and Selby, and Goole steamers?—Yes, no doubt of it, while there was water.

3821. Do you not know, that in spite of the action of the paddles upon it, there has been a most rapid accretion of mud in that basin?—I do not want to speak disrespectfully of any part of the works at Hull, but it is the most complete mud-trap that can be constructed.

3822. Then the fact you believe to be, that there has been a great accretion of mud, though it is the berth of these steamers?—Yes.

3823. And you assign as a reason the construction of the basin; and that does not alter your opinion, that the steamers will keep open your basin?—To the form of the piers of that basin I attribute all the accretion of mud.

3824. What is to prevent your basin being a mud-trap out of the line of the stream?—I have already told you, that where the size of the basin is sufficiently large for the steamer to move with freedom, she will employ her paddles more freely than where it is not so large; and where a large portion of the basin is open to the run of the tide, the mud that is stirred up by the paddles of the boat is taken out.

3825. The paddles of the boat being chiefly used near the pier?—No, the vessel must stand in here.

3826. When she is turned into this portion, what depth of water has she nearer the shore?—There would be five feet water at low water; and assuming a vessel to come in in the first two hours' flood, there would be water enough to float the largest vessel that comes into that port up to the very entrance of the Humber Dock.

3827. You do not contemplate vessels lying dry at all?—Yes, if they occupy that inner portion.

3828. Do

3828. Do you contemplate that?—They would use it as a highway, undoubtedly, but not as berths, at least, those vessels that ought not to take the ground; when there was water there, she would enter freely, and when not, she would be more careful.

J. M. Rendel, Esq.

26 June 1840.

3829. When you talk about the possibility of making the Dock Green a timber-pond, do you contemplate that as a scheme ever likely to be carried into effect?—I never contemplated such a thing.

3830. Do you either contemplate the probability of the space called "Additional Dock-room" being converted into a timber-pond?—I really never did, until I heard in this Committee the very great necessity for an additional timber-pond, and I then suggested—as it seemed one part of the plan to provide additional accommodation for the timber, if they meant to give the docks more capacity—I then suggested that that might be done, and that it would be not only very convenient as a timber-pond, but less objectionable to the citadel than if made into a dock.

3831. Would the construction of a timber-pond there not be a most expensive work for such a purpose?—I should say not; and it strikes me it would be very much better that it should not be actually enclosed with walls, that it should be piled off with booms in the front.

3832. Is it a part of your project to do that?—No, it is not.

3833. Look at that plan of the church (*handing one to the Witness*), is that plan tolerably correct, according to your belief?—I do not believe it is, if the pencil line laid down as Mr. Rendel's line is meant to be our encroachment by the new cut upon the churchyard.

3834. To the best of your belief, is it extravagantly incorrect, or nearly correct?—Yes, I believe it is extravagantly incorrect; I think it is exaggerated very much. Allow me to ask, whether that line represents the water-line or the boundary-line of the road.

3835. I imagine it represents the whole area you will have to take from the church yard?—I have laid down on the plan a road 50 feet wide on the margin of our new cut, but I presume that more respect would be had to the churchyard than to make the road wider than was absolutely necessary.

3836. *Committee.*] You must come into the churchyard?—Yes, by either plan.

3837. If this cut of communication is made?—Yes.

3838. Mr. *Hildyard.*] What did you say was the total area of the wharfage you propose?—Thirty-five acres and a quarter.

3839. Will you tell me how much of that area is round the dock?—Round the deep part of the dock, seven acres and a quarter; round the shallow part of the dock, three acres.

3840. Making 11 acres round the dock?—No, 10 acres and a quarter.

3841. With what do you think that ought fairly to be compared; with what acreage of wharfage ought this to be compared; with the acreage round Mr. Walker's dock?—Yes, I think it should.

3842. What is it?—I do not know at all.

3843. It is 30 acres?—I imagine not; if it is, it must have a greater depth than is valuable in proportion to its length.

3844. Assuming it to be employed for the purposes of raft-yards?—I should say that wharfage is not valuable in proportion to its depth, but in proportion to its length, assuming it is sufficiently wide.

3845. Do not timber-yards and raft-yards require a large space?—Yes; if you ask me if this space is convenient as acreage space, I should say not; it is only valuable in proportion to its length.

3846. How much is the wharfage round the channel of the 35 acres?—Round the channel, understanding by the term channel from the high water of the present Humber to the Hull, 18 acres and a quarter.

3847. You include the piece marked "Site for Shipyards," do you?—No, I do not include the whole of it.

3848. How much do you include?—That which will be covered by the ground excavated from the channel.

3849. How do you make out the rest?—The other portion is this round the harbour of entrance to that channel, and that is four acres and three-quarters, and then deduct from those two, which together make 23 acres, the area of the wharfs along the bank of the Old Harbour, which is one acre, and I get therefore

*J. M. Rendel, Esq.*

26 June 1840.

credit for 22 acres; I then take the area of the wharfage which I gain on the western side of the present Humber Dock and the area of the steam-boat pier, and those together make three acres, giving a total area of 35½ acres.

3850. Do you consider the area of the wharf on the west side of your dock as wide as it is desirable it should be?—No, I think it would be better to be wider, but we could only do it at the expense of the width of the dock, and I did not think it desirable to extend the wall further to the westward, for I wished to keep open the whole of the frontage of that part of the town; I think it material to the interests of the town, that that part of it which is in front of the Humber, should be kept open and not obstructed.

3851. You occupy the whole space by that quay now occupied by the merchants in front of their own warehouses?—No, I have not calculated that.

3852. Do you mean that the 25 feet are irrespective of the quays in front of the warehouses on the west side?—No, certainly not; we take down what we call the staiths upon the shore, that is, those piled projections in front of the warehouses, and we give in lieu of those, only 15 feet wide, a quay averaging 25 feet.

3853. The 25 feet does embrace the whole site now occupied by the quays in front of the private warehouses?—Yes, it does.

3854. That you admit as not so wide as you would wish it to be, but you are circumscribed by the position?—Yes, if we could get rid of the citadel, I would rather have it wider; if we could get rid of the citadel we should have a very magnificent dock indeed.

3855. Have you included as quayage this projection on the east side of the basin?—No, not as quayage but wharfage; there is a distinction.

3856. *Committee.*] What is the difference?—Wharfage has reference to superficial area, and quayage to the length of the wharf or frontage.

3857. The quayage is the length of the wharf?—Yes, and the wharfage is surface.

Re-examined by Mr. Serjeant *Merewether*.

3858. I think when you were first cross-examined on Wednesday, you stated that the necessity of accommodation for timber was not distinctly pointed out to you?—I did.

3859. But accommodation for steamers was that to which your attention was principally drawn?—Very particularly drawn by several parties who called upon me at the hotel where I was staying.

3860. You said that the accommodation for steamers was very bad at Hull?—I cannot well imagine anything worse.

3861. From the information you got at Hull, were you satisfied that for the interests of the town better accommodation for steam-boats was necessary?—I think it highly detrimental to the town of Hull that there is not better accommodation for the steamers.

3862. As far as you could form an opinion between the relative importance of steamers and the timber trade, which would you say was the most important?—The steamers unquestionably, taken in connexion with the railway.

3863. You said, Mr. Walker's plan, taken exclusively for timber, was a good one?—I think a very excellent one.

3864. With a large timber-pond in the marsh?—Yes, I think it a very excellent one indeed.

3865. But taking into consideration the steam-boats and the timber, does the advantage of Mr. Walker's plan induce you to think it is preferable to making the Old Harbour into a dock?—I decidedly think it better to make the Old Harbour into a dock, having a reference to all the wants of the port.

3866. Including timber?—Yes.

3867. I infer from that, that you do not think the advantage to be derived to the timber sufficient to disarrange what you recommend?—I think taking into account all the wants of the port, and all the improvements that may hereafter occur, it is better to make the Old Harbour into a dock.

3868. You were asked whether Mr. Walker's plan did not give five acres greater area of water than yours?—I am not aware that I was asked that question.

3869. The dock and pond being completed there would be five acres more of water

water than upon your plan?—Taking the dock at 14 acres, and the pond at eight, there would be five acres more water than by my dock, which is only 17 acres. *J. M. Rendel, Esq.*

3870. It will give no more additional accommodation of dock, but only further accommodation for timber?—Yes, undoubtedly; the dock, taking it as a dock, is three acres less. *26 June 1840.*

3871. And the other eight acres for a pond will not be available as a dock, except as a deposit for timber?—Yes.

3872. And not for any other dock purposes?—I apprehend not, because it is shown upon the sections as much shallower.

3873. Having the opinion you have with respect to the timber-pond, which you seem to think a material part of Mr. Walker's plan, is that sufficient in your judgment to recommend that the docks should be placed there, in order to get at the timber-pond; do you understand that?—No, not quite.

3874. Inasmuch as you think it would be a convenient site for a timber-pond, do you think that that convenience is to a sufficient extent to justify the dock being placed so far from the town?—I have already said, and I wish to repeat it, that it is my opinion that the dock for the town should be nearer the town and nearer the railway.

3875. With respect to the silting up, you were asked this morning whether you believed that the silting up to the westward of Mr. Walker's basin would extend as far up as the River Hull?—Yes.

3876. You remember the question being asked you?—Yes.

3877. Do you remember Mr. Walker being examined to this, and giving this answer; "How far do you calculate upon the probability of the silting up extending?—I have made no calculation of that, it would tend to accumulate until the current of the Old Harbour prevented it." Do you concur in that opinion?—I concur in that opinion; and I think Mr. Walker, and every engineer who has had any practice in that work, would feel it injudicious to state how far it would accumulate.

3878. Have you any doubt that it would have a tendency to accumulate up to the point where the outflow of the River Hull was?—Not the slightest.

3879. If it so accumulated, would it have a tendency to drive the channel of the Hull more to the westward?—No doubt of it.

3880. You were asked particularly with respect to the deposit of heavy materials, washed down by the stream from the harbour and forming the craunch, in your judgment, as long as the harbour is open, will that continue?—As long as the harbour has any of the obstructions that now exist, it will.

3881. Supposing hard materials are brought down and deposited there by the meeting of the two powers, the flow of the Humber and the Hull, will not there be a tendency in the mud to deposit itself in the interstices between those materials, and cement them together?—Yes, unquestionably; if hard materials are deposited in the mud of the river, the interstices will be filled up by the mud.

3882. Were you ever employed at all for the Wash in the north of Norfolk?—I have been a good deal upon that shore.

3883. And employed there?—Yes.

3884. And seen the nature of the accumulations?—Yes; I was called in the other day upon that large plan of Sir John Rennie's, for making a new county.

3885. Did you apply the experience you obtained there to the silting up of the Humber?—I have already stated I have had a very considerable amount of experience upon works of this sort.

3886. You begin with the most difficult part of your works, that is the usual course, being likely to occupy the most time?—Yes.

3887. Having had your attention most particularly drawn to the manner in which you would execute these works, is your opinion at all shaken of being able to execute the works in the manner you propose?—There is not the least difficulty in the world in the works.

3888. Do you conceive you will do any substantial injury to the owners of warehouses on the river?—Only depriving them of the facility they have of going alongside of them while the works are in operation.

3889. Had you an opportunity of learning while at Hull that the greater part of those owners consented to this measure?—I understand that they were the great supporters of it.

3890. You expect no difficulty to be made by them on that account?—I can hardly

*J. M. Rendel, Esq.* hardly suppose that those who are incurring all this expense to get the accommodation, would obstruct its execution.

26 June 1840.

3891. Have you seen the works at Bristol?—Yes.

3892. Is that much the same kind of work as here?—Yes, pretty much so.

3893. *Committee.*] Was that an old river turned into a harbour?—Yes, and there is a new cut made for the river and the drainage water.

3894. Is the bottom of the old channel at Bristol the same as at Hull?—In some parts it is, in others not; there is a portion of rock cut through, but some portion of it is worse than this.

3895. *Mr. Serjeant Merewether.*] Do you remember that part of the evidence in which Mr. Walker spoke of the advantage of a large basin for the large steam-packets: "It appears to me that the site would be extremely good, but for the objections I have stated: it is liable to those objections, but I am free to confess, as far as regards a communication with the railway for passengers and steam-packets, the basin is better situated than any part of the proposed dock on the east side." Do you recollect Mr. Walker giving that evidence?—I do not; but it is just what I should have expected from his candour and judgment upon the subject.

3896. Having had your attention drawn to that part of the plan by Mr. Hildyard, you stated you thought it was the best part of the plan; have you any doubt that it will be of the most essential service to the town?—I believe that it ought to be done, whatever plan is carried into execution.

3897. You have been asked as to the silting up of the mud in the Humber Dock, and you say it goes on to a considerable extent?—In the basin of the Humber Dock.

3898. How is it in the Humber Dock itself?—I presume there must be a great accumulation; there they take their water from the Humber, and the River Humber is exceedingly muddy.

3899. The River Hull is not so?—No; and if the waters of the Humber could be separated from those of the Hull, a very considerable portion of the evil would be got rid of; but, as long as the tide flows up the Hull it will partake of the character of the larger stream.

3900. I understand the steamers will be likely to come in at the entrance here and go into the Humber, and that the turning themselves round in the basin would have a tendency to keep the mud afloat?—I have no doubt but the Committee must be aware that nothing tends to stir up mud more than steamers.

3901. Is it not a very considerable part of your plan here that the course of the stream passing through the basin will wash down the mud so suspended, and take it away?—Yes, undoubtedly; I think every harbour on this shore should be as open as possible.

3902. Will not the river steamers, the small class of steamers, be constantly going in close to the foreshore?—I think that the small steamers will have more effect in keeping it clear than the larger ones, because they move about more freely.

3903. There is no more difficulty in their moving about there than in the Humber Dock basin?—There is no parallel at all.

3904. You say that you think this basin for the steamers, close to the railway, must be made at all events; can that basin be made successfully, and kept for that purpose as long as the Hull is allowed to flow into the Humber at that point?—I should think the Hull a difficulty; but I should not go to the extent of saying it could not be done; if the eastern dock is made, that involves the necessity of running out a pier on the western side to the same extent as the intended dock, and by that means you would form a shelter for that side of the basin.

3905. Will not the western side of the wider part of your new dock make an excellent wharf to that part of the basin?—Yes.

3906. Is not that a great advantage?—Yes; the great advantage is, that all these important works are so immediately connected with the town.

3907. There is a long wall in the direction of the Vittoria Inn, will not that wall be a great advantage to the basin?—I think that wall is a very important thing, because river craft need not go into dock to take in a cargo; they may be loaded from vessels over the wharf.

3908. Will not that be a great protection to the basin?—Undoubtedly.

3909. Will



3909. Will not the breakwater and steam-boat pier have that effect?—It is those things that make the basin. *J. M. Rendel, Esq.*

3910. Have you put them in such a position that you think they will protect the basin in rough weather?—As still as it is possible to make it in the Humber. *26 June 1840.*

3911. You have constructed your entrances with reference to the prevailing winds in the Humber?—Yes, and the convenience of vessels using them.

3912. Do you think that they would have the effect of affording protection?—Yes, quite as much as is consistent with the safety of the shipping and the use of the harbour.

3913. You say, if the Hull river is allowed to come down into the Humber at that point, you will have a difficulty in making a basin so useful, as it brings silt down into the harbour?—I stated it would be necessary to run out a pier to the extent of Mr. Walker's proposed projection, and that it would also be necessary to extend this breakwater down so as to cover this pier, otherwise it would not be a sheltered basin.

3914. Do you know the position of the Craunch?—Yes.

3915. Is not the Craunch situated where you propose to make the basin?—The present craunch is included in the basin.

3916. And I recollect that that basin is to be deepened, and to be excavated?—Yes.

3917. Supposing it was excavated for the purpose of a basin, but the Hull was still allowed to come down, would there not be a tendency in that craunch to re-form itself in case the Hull was allowed to bring down this deposit?—As long as that which is foreign to the bed of the Hull remains in it, there will be portions of it brought down and form that craunch.

3918. If, in order to keep off the mud that is forming to the west of Mr. Walker's basin, you run out a jetty there, and extend your breakwater lower down in order to overlap it, will not both of those have a tendency to increase the deposit where the Craunch is, in case the Hull is left open?—Yes, by making the water more quiet, you will dispose it to deposit more matter.

3919. Have you any doubt that, if that basin is made, it will be done more advantageously by turning the Hull river into a dock, than leaving the open river to flow into it?—I think it a most convenient arrangement, supposing the dock made.

3920. If it is necessary to carry out your pier, as you say, to prevent the increase of the mud in the out-flow, would not that pier increase the difficulty in getting into the harbour?—No, I do not think it would.

3921. Do you happen to know whether the wall of that Humber Dock has inclined inwards since it was constructed?—No, I do not know that of my own knowledge.

3922. You were particularly asked whether this would not be a very expensive operation to convert this additional dock into a timber-yard; I understood you, it would only require piles put down and booms laid along to make a timber-pond?—It would be made a very convenient timber-pond in that way.

3923. And that would enable it to be made a bonding-pond?—I know many made in that way.

3924. It is a very trifling expense?—You cannot have a simpler way of doing it.

3925. It is piles put in and just protected by booms?—Yes, just protected by booms; there would be a very great advantage arising from a plan of this sort, for it might be made by a very slight expense into a gangway to warp a vessel up to the dock.

3926. Can you tell me the expense of piling and enclosing it?—I cannot tell you now; I will let you know to-morrow morning.

3927. The eastern extremity would be formed by the wall of the basin to the new channel, and the western by the southern wall of your new dock?—Yes.

3928. With respect to the manner in which you affect the citadel, you were asked if you took a part of the bastion; you say you do not, but a part of the moat wall; have you taken the trouble to look at Schedule.(A.) of the Act: I see under that schedule there is to be taken property in the possession of the Honourable Board of Ordnance, which is described as the Garrison Moat?—I have not looked at that.

3929. Will your plan interfere more with the moat than Mr. Walker's plan?



*J. M. Rendel, Esq.* —I have not compared the two; I know neither of the plans will interfere with the moat or the walls to produce any detriment to the citadel.

26 June 1840.

3930. With respect to the churchyard you have been asked about, do you say that that plan shown to you presented a much larger quantity of churchyard than you ever mean to take?—I have already asked the question, whether the line laid down with my name upon it represents the line of the water-way or the back of the road; the road is laid down in my plan 50 feet wide, but there is no necessity for it being 50 feet wide through the churchyard.

3931. You conceive that that error has arisen from taking that measure through the churchyard?—Yes; but the gentleman who took the survey is in the room, and that information had better come from him.

3932. At all events, what you carry across there is the road which at that part you can contract?—We cut off a part of the churchyard by our new channel; I believe it to be more than Mr. Walker cuts off, but not to any material extent, according to the plan before me.

3933. The largest use you make of the churchyard is to carry a road through it?—Yes.

3934. You were asked some questions with respect to the dock and wharfage; did you consider well when you made this plan, as far as you could, what was required for the town of Hull, in the way of additional dock-room and wharfage?—I was told 20 acres additional was required, and I was told to make a dock as near that extent as I could.

3935. From anything that has occurred in the course of your examination, have you any reason to think that the dock-room and wharfage-room supplied by your plan will be inadequate to the wants of the town?—It nearly doubles the present capacity, and I can hardly imagine that is deficient.

3936. *Committee.*] You were directed throughout the whole of your examination of the matters submitted to you, to keep in view existing interests?—Yes, I was.

3937. Suppose you had not kept in view the existing interests of the town of Hull, should you have preferred a site to the west or a site to the east?—For the general wants of the trade of the port, distinctly the plan I have adopted; for the timber trade only, the plan Mr. Walker has adopted.

3938. So that excluding what was chiefly presented to your attention, and having regard to the interests of the town, not existing interests merely, you would prefer your plan?—Yes, for the general interests of the town and port.

3939. So that if those words “the existing interests” had been left out of the instructions you would have adopted the same plan?—Yes, keeping in view the general wants of the town.

3940. If you had been perfectly free to look to the extension of the trade of Hull, should you have come to the same conclusion?—Yes, I certainly should; I feel it extremely important the docks should not be severed by a navigable river.

3941. You have not lived much in Hull?—No, I have not.

3942. You have said you think it necessary that the docks should not be separated by a navigable river; does either your plan or Mr. Walker’s plan obviate that difficulty?—Yes, decidedly; my plan gives this very great facility, that, at the time when it may be necessary to make one chain of docks round the town, it may be accomplished, but by Mr. Walker’s plan it cannot, without diverting the course of the river.

3943. Does your plan you have put in do so?—No.

3944. You do not contemplate the making the Old Harbour a dock from Stone Ferry?—I think it would be very desirable for the information of the Committee, that a copy of the report that accompanied my plan should be furnished. In that report it will be seen I give as one of the arguments in favour of the plan, that they may be connected with the existing docks, and so form a chain of dock accommodation.

3945. If that was your plan, your new cut must go in a completely different course from what it does now?—Oh, no!

3946. It must come out above the North Bridge?—No.

3947. How would you make the connexion?—(*The Witness described upon the plan how the communication could be made.*)

3948. Then according to that, does not it go immediately over Drypool Church?—Yes, it takes down Drypool Church; it is a question of cost. I am assuming that the trade of the port has arrived at that point of importance, that at

would

would make such an improvement necessary; and I conceive that it is the duty of every engineer, and every one called in to be consulted in a case of this sort, to look so far before them, as to contemplate even such an expense as that; and I cannot imagine, when you see the hundreds of thousands of pounds laid out to provide dock accommodation for other parts of the kingdom, that to circumscribe yourself and say, that it may not be necessary hereafter, is a degree of improvidence that you ought not to be guilty of.

*J. M. Rendel, Esq.*

26 June 1840.

3949. You have said, you should make part of your cut, and that the mud would be left to be washed down, and that the entrance would not be completed for 15 months; during that time where would the scoured mud deposit itself?—It would be carried all over the harbour; the quantity of mud that would be so removed, is as but a drop in the ocean: the River Humber is almost like the Ganges, full of mud and deposit.

3950. You have said yourself, that the old bed of the Humber you considered was 28 feet below; and in these borings, you have shown the principal deposit is marine silt, and you have shown us, that where the two streams meet, there would be the mud deposited; why would not that be the case with regard to the mud brought down the new cut, as in the case of the Old Harbour?—There is no doubt if you ask me the abstract question, if a portion of the mud may not be left at a place where it is detrimental, I should say yes; but if you go further and ask me whether the whole quantity would be so detrimental as to justify a larger expense, I should say not; you must remember that the Humber tide is much stronger than the Hull tide, and therefore the mud that the Hull brings down, if it is only mud, will be always swept away; if it is hard matter, it will be deposited in the mouth of the river.

3951. You stated one advantage of your plan over Mr. Walker's was, that it would prevent accumulations which originated, as you consider now, from the wharfs on the banks of the Old Harbour, and which were carried down and formed the Craunch. Now a witness who has been brought before us having stated that those obstructions were thrown in from the wharfs, between the North Bridge and Stone Ferry, at Wincom Lee, would not those hard materials come down your new cut that now come down the harbour?—Yes, a portion; but I believe you will find, at least it was so stated to me by competent persons employed to form these chalk banks for the berthing of vessels, that very much larger deposits are made below the North Bridge and down to Southend, than in any other part of the channel, and I very much question whether there is any hard deposit above.

3952. It is not a hard deposit, but hard materials are thrown in at Wincom Lee, and are washed down and form the Craunch?—I should say, that I do not apprehend in the short time that would elapse whilst we were forming the dams, and consequently before we could have the timber we use there as available for an entrance basin, that any damage could arise but what we could remove at a very trifling cost.

3953. You have said that in your plan you contemplate, and every engineer employed in a work of this kind naturally looks to the probable large increase to follow such large improvements, and that looking at the whole question of the advantage to the town of Hull, you think it would be much promoted by the line of your docks in preference to Mr. Walker's, would there not be reason to apprehend at this spot to the west of the Old Harbour there would be a great want of space not already occupied by the town?—The west side of the town is increasing rapidly for residences, but not for business; the business of the port of Hull, as far as my observation went, and I took some pains to ascertain it, is concentrated within this circle.

3954. Supposing the business very much increased, would it not be inconveniently crowded within that space?—No, I think not; I think as a place for business, with a centre dockage, there is plenty of room for shops and offices; for a long time all this was occupied by houses, but they are turning them now into shops and places of business: my idea always has been that sooner or later the Government will feel it their interest to sell this as a site for commercial purposes; whenever that period arrives there is here an extent of accommodation for docks that will be very valuable.

3955. That is supposing a contingency; but the existence of the citadel must have influenced Mr. Walker very much in the site he chose for his docks; he would not have gone so far to the east of the citadel if the citadel had not existed?

*J. M. Rendel, Esq.* —I have no doubt of it, and the timber trade also ; I am prepared to expect that Mr. Walker kept in view the timber trade as a matter of great importance, and the parties too ; and I said in my examination, if I had been instructed to make 14 acres of dock room at the cheapest cost, I should have gone there.

26 June 1840.

3956. How long do you think it would be before your plan is completed ?—I think, from the number of operations to be carried on at the same time, you might complete the whole in four years.

3957. How long do you suppose Mr. Walker's plan would take in the execution ?—I suppose about the same time.

3958. The time of execution depends upon the funds being furnished ?—Undoubtedly it does ; the plan is divided into a number of works, and where the engineer has a great number of works to complete his whole plan, it may be more expeditiously carried out than when he has a quantity of work concentrated in a small space ; I think, from the time of the commencement, assuming you begin at a favourable season of the year, you might complete either plan in four years.

3959. You said, if you regarded nothing whatever but the timber trade, you would certainly prefer Mr. Walker's plan ?—Yes, as a dock for the timber trade.

3960. If you considered that exclusively ?—Yes.

3961. If it should appear that among the wants of the town the paramount and chief want should be connected with the timber trade, should you in that case prefer the east ?—I must come back again to the old answer ; I should say, having reference to the general convenience of the town and general merchandise, I do not consider it the best site.

3962. You have not spent much time in Hull ?—No.

3963. You look at it with the eye of an engineer ?—Yes.

3964. Do you not conceive that people resident in Hull and persons who have been merchants there many years must be the best judges of the wants of the town ?—Yes, undoubtedly ; and I should be glad the Committee should be guided by their evidence.

3965. Were you in the room when a gentleman stated, that in fact what Hull wants is a timber dock ?—No, I was not in the room.

3966. If it shall appear that the almost exclusive want of Hull be a timber dock, would you not prefer Mr. Walker's plan ?—Yes, and in that case I should say that Mr. Walker would never have put in a steam-boat lock ; there is a steam-boat lock put in which takes away its character as a timber dock.

3967. You have spoken of Mr. Walker's plan ; you admit that it is the best for the timber trade, you do not conceive it the best for the steamers ?—Not for general merchandise.

3968. For steamers ?—Not for steamers

3969. You do not think that Mr. Walker's plan could be so modified as to be adapted to steamers ?—Yes, a dock might be made here at the termination of the railway ; it is manifestly of importance for the passengers and steam-boats that they should be brought as nearly as possible to the railway.

3970. But the question I am asking you is, whether the steamers, for the purposes of the navigation only, have as much advantage in Mr. Walker's plan as in yours ?—I think not ; I think Mr. Walker would admit, if he were here, that a very great number of steamers would not go into dock if they had the conveniences ; they merely run along side the pier, where they can be always afloat, and land their passengers and go off again ; and the trouble of taking a large awkward steamer into a dock is considerable : it is only when they are going to stay two or three days that they will do it.

3971. Do you consider your plan is much to be preferred, with regard to steamers, as you consider Mr. Walker's plan is to be preferred for the timber trade ?—Yes, I do ; I consider my plan is as much superior for steamers as Mr. Walker's plan is for the timber trade.

3972. Do you agree in opinion with Mr. Walker, that the steam-vessels in your basin would remain aground for a large portion of time ?—Certainly not ; I think Mr. Walker very fairly gave it as his evidence, that he ought not to form his opinion till the details were laid before him ; and I think he will see under the circumstances I have stated, that there will be a very large portion of the basin so swept by the tide as to enable them to lie afloat.

3973. It is your opinion that the steam-vessels will always lie afloat ?—All that portion in the line of the wharf-wall and the breakwater would have a depth of  
water

water calculated to float the largest steamer that enters the basin at all times of *J. M. Rendel, Esq.* the tide.

3974. Supposing that steam-boat pier was to be added to Mr. Walker's plan, which should you prefer, your plan, with the steam-boat pier, or Mr. Walker's plan?—It would be adding to Mr. Walker's plan what would be an unnatural part of it; dovetailed into mine, it forms a part of the railway station; it is not an excrescence.

26 June 1840.

3975. I mean your plan, as you call it, dovetailed on to Mr. Walker's dock; your steam-boat pier and breakwater?—I think it would be an exceedingly advantageous thing to the town of Hull, supposing Mr. Walker's plan to be carried out, to have that same kind of basin I have laid down, with a steam-boat pier and breakwater, in connexion with the pier thrown out for the River Hull.

3976. Which should you prefer, Mr. Walker's plan with your plan, or your own plan with your pier?—I certainly like my own child best.

3977. It appears in evidence that 64 acres of land are required for Mr. Walker's plan?—They cannot be required for his plan.

3978. Carrying the whole of Mr. Walker's plan into effect, and expending 300,000 *l.*, the company would require 64 acres of land in mortmain; do you bear in mind how much of that land is to be hereafter occupied by water?—Fourteen acres and eight acres; the basin is constructed upon the foreshore; the quantity of land proposed to be taken for the execution of the plan of the Dock Company was 64 acres, exclusive of the foreshore.

3979. How much of this land is to be covered with water and used for dock purposes?—I should say 25 acres, including the timber-pond and the cut.

3980. Do you think you are accurate in your statement, that 25 acres will be required by the company, according to Mr. Walker's plan, for water purposes?—According to Mr. Walker's plan, supposing it carried out to the full extent, there would be 14 acres for the dock, eight acres for the timber-pond, and I assume about three acres for the canal and lie-by, so that there would be altogether about 25 acres of the 64 that would be appropriated to water; and it is nothing but fair that the wharfage should be taken at the same as the dock, that would be 50 acres.

3981. How much land, according to your plan, is to be acquired in perpetuity by the company, independent of water purposes?—The plan involves the consumption of 33 acres, but the actual water is only 17 acres the dock, and nine acres the channel; that is, 26 acres out of the 33 would be laid under water, or consumed for the water.

3982. So that according to Mr. Walker's plan, a larger quantity of land must be acquired by the company, with exclusive privileges in perpetuity, than by your plan?—Yes; we, in giving the area of the water, give the area of the Old Harbour, which we do not include when we speak of the quantity of land to be purchased; the Old Harbour costs nothing. The whole quantity of land to be purchased is 33 acres, and seven acres of the Old Harbour, making 40; then we take for our water accommodation, exclusive of the foreshore in each case, seven acres of the Old Harbour back again, always remembering that a part of the proposed dock is upon the foreshore; we take the seven acres of the Old Harbour back again, we take nine acres and one-third of ground for the new channel; the only land actually taken away for the purposes of water, will be 11 acres and one-third out of the 33; we only take one acre from the area of the Old Harbour in widening it, consequently, that acre added to the quantity of land we take for the new cut, will make it 11 acres and one-third, which deducted from the 33 acres, leave 21 acres and two-thirds of land which we do not lay under water.

3983. In other words, what is the area of the ground you take, under your plan, which is laid under water, and what do you leave for wharfage?—The ground actually taken according to our plan is 33 acres, and the quantity that we lay under water 11 acres and one-third, consequently we have available ground that we have purchased, not laid under water, 21 acres and two-thirds.

3984. Do you assume the land you have purchased, after the plan is executed, to be the property of the company who make it?—I have not entered into that.

3985. Who is to maintain the new cut or keep it open?—The Committee will see I have not been apportioning this land.

3986. You have given this new cut as if it was to belong to the town of Hull, and I wish to test whether that portion that would belong to the com-

*J. M. Rendel, Esq.*

26 June 1840.

pany, be as much under the tenure of the company as the land taken by Mr. Walker?—The present Old Harbour is, to all intents and purposes, a portion of the Dock Company.

3987. Indeed you are wrong in that?—I have been asked what quantity of land my plan contemplates the purchase of, and I have answered it, and stated it at 33 acres; it has not entered into my calculation at all how the land is to be appropriated; whether it is to be the property of the Dock Company or any other individuals. I take it it will be bought, and if it is bought, it will be valuable in proportion; and we improve it for water-side purposes. I can hardly imagine it possible that parties who buy 33 acres of land, and who improve it essentially, and make it available for commercial purposes, will do otherwise than keep it.

3988. What wharfs do you contemplate by your plan being made along the side of the new cut?—The wharfs, as actual wharfs, would be all that which is timber-wharfs; and then there would be some water-side premises, and the remainder that is not actually built for wharfs; for I found in Hull, that many portions of the present channel were very valuable, though they had not wharfs; they become places of deposit and are valuable, though not actually wharfs.

3989. How much of the 21 acres and two-thirds will lie to the eastward of the new cut?—I wish to be correct; I will give it you accurately calculated.

3990. Looking forward to the extension of the trade, at the same rate as that which has taken place in the last 30 years, in what direction do you suppose that increased docks could be built if new docks are required 20 years hence?—My own opinion is, that the port of Hull will find it their advantage to make their docks closer along the Humber bank than they have been in the habit of doing, in any future plan.

3991. As at Liverpool?—Yes; I think the Humber will gradually fill up along the foreshore, and that the docks should be placed in relation to what is evidently taking place.

3992. Where you mark the spot?—The spot marked as “Additional Dock;” and that part of the foreshore on the west of the Humber Dock is another admirable site.

3993. Supposing the docks placed in the position you suggest, where would there be room for warehouses and increased wharfage accommodation?—There would be ample space for warehouses on the site I have named, west of the Humber Dock.

3994. Upon what is now the foreshore?—Yes, and there is land in connexion with the railway.

3995. You think it more convenient, and equally practicable, to extend the dock accommodation to the west as the east?—Yes, and I think the foreshore is the proper site for the docks; the foreshore is constantly increasing; and you will find by-and-by, that the low-water channel will be so far from the docks as to be a positive inconvenience to the docks.

3996. You have said you consider there will be a great advantage resulting from bringing these docks near the railway station?—Yes.

3997. Have you been at Liverpool?—Yes.

3998. Are not the Liverpool Docks removed a great distance from the railway station?—Yes, and the Railway Company have made, at an enormous cost, a tunnel communicating with the docks.

3999. Have you been at Glasgow?—Yes.

4000. Do you know the terminus of the railway station proposed between Edinburgh and Glasgow?—Yes.

4001. Does it go down to the Clyde?—No, but I believe they will be obliged to go there.

4002. You have stated it is an advantage to have the docks near the hotels and inns?—Yes.

4003. Are not the docks removed at Liverpool a great way from the inns and hotels?—No, at Liverpool the inns and hotels are close to the docks; but that is a circumstance that is rather to be regretted than followed.

4004. You think great inconvenience arises from it?—Yes, in a commercial town; if it is a town for pleasure it may not be the case.

4005. You have stated you have no doubt that taking nothing but the timber trade into consideration, Mr. Walker's plan was preferable to yours. Suppose the Ordnance allow the ground south of the citadel to be converted into a timber-

timber pond, would you consider in that event that your plan would be as good, with reference to the timber trade, as Mr. Walker's?—I think it would, and be more accessible.

*J. M. Rendel, Esq.*

26 June 1840.

4006. When you stated Mr. Walker's plan was better than yours, with reference to the timber trade, you are supposing that this additional ground for a timber-pond was not to constitute a part of your plan?—I understood the question to be so put to me; I understood that portion of each plan not contemplated to be executed. I have not been asked anything about this but in my re-examination.

4007. That forms no part of your estimate?—No.

4008. And therefore no part of the plan?—No.

4009. Were you directed to take that into consideration when instructions were given to you?—No.

4010. It is an after-thought?—It is a thought that has arisen out of the circumstances that have occurred in this Committee.

4011. When you gave that answer about the timber trade, that you preferred Mr. Walker's dock to your dock, did you contemplate Mr. Walker making his proposed timber-pond or not?—Undoubtedly I did; and if the dock is to be appropriated to timber-ships, the other is almost necessary; that is, assuming that it is to go into the pond at all. I am not quite so sure that it is the best way of keeping timber.

4012. What is your estimate for making that additional dock, as it is laid down?—I never estimated it, because I did not think it necessary.

4013. When you say that a timber-pond is desirable, do you mean to say that it is desirable for the trade or the Dock Company; in other words, is a timber-pond a work that will ever pay for the outlay?—Assuming that 14 acres of additional dock room are necessary for vessels, it is very manifest there must be accommodation for the timber somewhere; if it is not brought up as at Liverpool upon the wharfs and stacked upon the shore, there must be a pond for it.

4014. If they take it on shore the timber-pond ceases to be necessary?—Yes.

4015. Therefore it is not necessary?—The practice of the port of Hull is to put their timber in a timber-pond, I believe.

4016. Is the rent that the merchants of Hull may be willing to pay for the convenience of having their timber laid in a pond sufficient to pay for the expense of constructing it?—I would answer the question with great pleasure, but I cannot answer it; I should say that a timber-pond at 21,000*l.* cost, is a very expensive article.

4017. I want you to tell the Committee, whichever plan is made, whether you do not consider the steam-boat pier a very great improvement?—Yes, I think it will; you never make accommodation for steamers who have only to call and embark and disembark their passengers in the stream.

4018. You think, however convenient the plan may be to go into a dock, the breakwater and steam-boat pier are better?—Yes, for steam-boats who only land their passengers and go away again.

4019. Have you calculated for the draught of the Great Western?—I have calculated upon the depth always increasing, because there would be such a rush of water under the bottoms as to increase the depth.

4020. You have spoken of the ground silting to the west of your works?—Yes.

4021. Do you think it would be a detriment to the town?—No, on the contrary.

4022. Why?—It would make a foreshore where it would be very valuable; and the width of the Humber there is larger than is desirable.

4023. There is a great objection raised to this bridge marked by the magazine on one side of your plan, is there a bridge over the other plan?—There is a bridge now there.

4024. Is there not a bridge marked upon the plan to be made?—No, we propose to take it down.

4025. Across your new cut, the Garrison Bridge?—We propose to take it down and not to make it; it is now in existence to communicate between the town of Hull and the citadel; they must go by Drypool Church and cross the ferry; then we say that our locks would give a great facility of communication; we put a drawbridge there, as the town is in communication with the citadel.

4026. How do the people who live in Delapole-place and Church-street get

*J. M. Rendel, Esq.* to the citadel?—They are no worse off than to get to Hull; there is greater difficulty to communicate with the town of Hull and the citadel than there would be to get from the citadel to Drypool after our works are constructed; but in a military point of view, it would be rather approved than disapproved.

26 June 1840.

4027. Why did you not include in your plan the extension from the North Dock so as to unite with the Old Dock?—The great expense; I did not think the trade of the port would justify the heavy cost at present.

4028. You spoke of the mud at the mouth of the Humber, and said, when a weak river fell into a strong river it led to a zigzag channel being formed; is that the case in the Severn and Avon?—Yes, I believe in all rivers of that kind; I speak from considerable experience upon that point; I hardly know an instance where that has not been the case.

4029. Do you think that that zigzag channel will obstruct the navigation?—Yes, I think it would be injurious.

4030. Under these circumstances, could a steam-basin be made with the greatest advantage connected with Mr. Walker's plan or with your plan?—As connected with my plan; it could not be grafted on to Mr. Walker's plan.

4031. Have you any doubt of that?—No, I have not.

[The Witness withdrew.]

Mr. *James Oldham*, was called in; and Examined by Mr. Serjeant *Merewether*, as follows:

*Mr. J. Oldham.*

4032. YOU have, I believe, for some years resided at Hull?—Yes.

4033. How long?—I was born at Hull, but have been more or less living there since 1817.

4034. During that time, have you been employed frequently as civil engineer, and for the purpose of valuing land?—Yes, I have.

4035. Have you valued the land that will be necessary for the construction of Mr. Rendel's plan?—I have.

4036. Have you got in four items?—I will refer to it in a moment.

4037. Is one of your items the portion between the Old Harbour and the Citadel Bridge?—Yes, it is.

4038. What quantity do you propose to take there?—Thirty-one thousand nine hundred and fifty yards. You have it in acres there, I cannot refer to it at this moment.

4039. I have 6 A. 2 R. 16 P.?—That is the quantity.

4040. What sum do you calculate it will cost?—At one guinea a yard, or 5,080*l.* per acre.

4041. What is the whole sum?—The whole sum is 33,547*l.* 10*s.*

4042. The next piece of land I have is between the Citadel Bridge and the Humber?—Yes.

4043. What quantity do you take there?—Twenty acres and three-quarters, or thereabouts.

4044. Is a portion of that extra-parochial?—Yes.

4045. How much?—Eighteen acres.

4046. What is the sum at which you have valued the whole of that?—Eighteen acres at 1000*l.* an acre, for two acres and three-quarters.

4047. I ask you what is the whole amount?—£.19,375 for that portion lying between the Citadel Bridge and the Humber.

4048. Now, I believe, there is some land to be taken in the Old Harbour; how much is it?—I have got the yards again.

4049. I have got 5 acres, 1 rood, 13 perches?—Yes, that is right, 27,626*l.* 11*s.*

4050. Be so good as to tell me the aggregate of those three sums?—£.80,549 1*s.*

4051. *Committee.*] Does that include the land for the new cut?—Yes.

4052. Mr. Serjeant *Merewether.*] What is the total quantity.—Thirty-two acres, 2 roods, and 39 perches.

4953. Will you tell me the total amount of what you put the compensation at?—£.19,500.

4054. The aggregate is how much?—£.100,049.

4055. Now, although you buy the whole of that land, have you taken into consideration, some part of it will not be wanted for the works, and which may be resold?—Yes.

4056. Tell



4056. Tell me, between the Old Harbour and the Citadel Bridge, how much can be resold out of it?—Nine thousand one hundred and eleven yards.

4057. At what have you valued it?—At the same price, 21 s.

4058. How much does that come to?—£.9,566. 11 s.

4059. There are five acres of extra-parochial land between the Citadel Bridge and the high-water line of the Humber, and some that can be resold there?—Yes.

4060. How much is the total at which you estimate that?—£.10,000.

4061. And also two acres and three-quarters not extra-parochial?—Yes, 2,750 l.

4062. Will there be any land which may be resold within the Harbour Dock?—Yes.

4063. What is the total at which you take that?—£.16,409.

4064. What is the total of those four items?—£. 38,725. 11 s.

4065. Which, deducted from the total you gave me before of 100,049 l., will leave the valuation of the land to be used for the works how much?—£. 61,323. 10 s.

4066. Are you well acquainted with Hull and the neighbourhood of it?—I am.

4067. Have the goodness to tell me—you say you are well acquainted with Hull and the immediate neighbourhoods of it?—Yes.

4068. Have you seen Mr. Walker's plan?—Yes, I have.

4069. Supposing this Bill was passed, and the Dock Company were allowed to purchase that 64 acres of land east of the citadel, will not then the greatest proportion of the foreshore and the land useable for docks be in the possession of the Railway Company or the Dock Company?—Yes, the greater part of the foreshore will be.

4070. Both east and west of the River Hull?—Yes.

4071. Will there be any part, in fact, there that would be open or available for public docks, except that part of the foreshore in front of the citadel?—I know of no other that would be available for docks.

4072. Are you at all acquainted with the timber trade, and the manner in which it is carried on at Hull?—Yes, I have observed it for many years.

4073. Have the goodness to inform me whether a very large portion is not carried on in the Old Docks?—I believe a very large portion of it.

4074. Are there not timber-rafts, or places for securing timber, north of that?—There are deal-yards.

4075. Are any ships' masts constructed there?—Yes.

4076. Are there accommodations there for constructing the longest ships' masts for the use of the port?—Yes, as long as we have any occasion for.

4077. Besides that, are there timber-yards above North Bridge?—Yes.

4078. Any timber-ponds?—No, only timber-yards.

4079. Can you tell me the depth of the land north of the Old Dock, in the possession of the Dock Company, used for the deal-yards you have mentioned; how far from the north side of the basin up to the extreme point of the north from the edge of the basin up to Dock-street?—It appears to be about 200 feet by this plan; but the engraved plan of the town shows it something wider.

4080. Measure it by the engraved plan.—It appears to be about 115 yards by this plan, about the average, taking it midway.

4081. Can you give me the widest part?—I beg your pardon, instead of being 115, I ought to have said 130, measured by this engraved plan; that is, about midway; about Grimston-street it is a little wider, by this plan, to the west, and a little narrower to the eastern extremity of it.

4082. Can you tell me the length of the land to the north, from one end of the basin to the other?—It appears to be about 500 yards by this plan.

4083. That is the property of the Dock Company?—I believe it is.

4084. Have they also other property to the north of Dock-street?—I do not know, I am not aware of it.

4085. Do you not know whether George-street and Charlotte-street belong to the dock?—I believe formerly the ground belonged to the Dock Company; I know lots have been sold; I do not know the owners generally.

4086. Are there any slips in the Old Dock for landing timber?—I do not know of any.

4087. Are you acquainted with the mode of landing timber by slips?—Yes.

4088. Is that done in the Old Harbour at present?—Yes.

4089. Whereabouts?—On both sides above the North Bridge, and below the bridge.



Mr. J. Oldham.

26 June 1840.

4090. Whereabout below the bridge?—On the yard on the garrison side.
4091. How far down do you mean; between the citadel and the river?—Yes, they run about opposite to Chapel-lane, down as far as Scale-lane.
4092. What sort of depth of ground is used or is necessary to draw timber up the slips?—The deepest part of the ground is about 150 or 160 feet; the ground is more in width.
4093. Where they have that width they still use slips, and take the timber up by those slips?—Yes, they do.
4094. The width of the land which they have to the north of the dock, you have stated was 130 yards?—Yes, it appears to me so by the plan.
4095. Did you know the bonding timber-yard that there was to the west of the Humber Dock?—Yes.
4096. Has a portion of that been taken for the railway?—Yes, it has.
4097. Is there a site, where the old gaol was, that has been lately taken as a bonded-yard?—Yes, I think it is; I have seen it filled with timber.
4098. Is there another bonding-yard to the west of the Humber Dock?—Yes, there is.
4099. And there are other bonding-yards in the neighbourhood of the town?—Yes, there are.
4100. Do you know anything of the timber-yard which was for some time to be let and unoccupied, towards the north end of the citadel, by the harbour side?—Between the citadel and the Old Harbour.
4101. How long was it unoccupied?—I cannot exactly say; it is two or three years since it was let to a tenant.
4102. Do you know how long it was unoccupied?—Some of the yards remained two years unoccupied.
4103. Do you know whether they were unoccupied at the time the railroad destroyed this bonding-yard?—Soon after the railway was in contemplation we got tenants for them.
4104. It was at the time the Act was obtained that a portion of that bonding-yard would be taken?—Yes.
4105. Are you acquainted with the docks, and where the different trades lie in the docks?—Not precisely; I know generally.
4106. Supposing you are going into the Humber Dock, on the right hand is where the Hambro' trade is?—Yes.
4107. On the left, Petersburg?—Yes, they both land Baltic produce and take in there.
4108. On the east side of that basin do the steam-boats lie?—Yes.
4109. When the steam-boats lie there, they occupy a large portion of the wharf?—Yes, they do.
4110. How many steam-boats would lie alongside there?—Four or five of the ordinary boats that enter that dock may lie along there in length; five I have no doubt would.
4111. Do some of the Deal ships lie on the western side?—Yes.
4112. Is the entrance to the Humber Dock from the shore as wide as it used to be, or have the walls there leaned inwards?—I am not aware of any important change that has taken place.
4113. Do you know whether the communication from the Humber Dock into the Junction Dock is as large as the entrance into the Humber Dock?—No, it is smaller and not so deep.
4114. Inside that dock, you can tell whether the small Hamburg ships and some of the Dutch ships lie on the south-west side of it?—On the south-east side of it they lie.
4115. Do the small foreign vessels go into dock?—Yes, I have seen many.
4116. Sloops?—Yes.
4117. That is a dock less deep than the Humber Dock?—Yes.
4118. How much?—Six feet, not less.
4119. And the Old Dock; the northern side you say is occupied by the wood trade?—Yes.
4120. On the southern side by the corn trade?—Yes, there are warehouses and sheds on the south side.
4121. The iron, tar, turpentine, and general produce are landed there?—Yes,
4122. Since that dock has been built, have the number of warehouses in that direction

direction increased?—I have known some built along the east of the Humber Dock and some on the south-east side of the Junction Dock.

4123. Since that Junction Dock has been made?—Yes.

4124. Is Mr. Parker the chairman of the Dock Company?—I understand he is; I believe he is.

4125. Is he also deputy chairman of the Railroad Company?—I have been told he is.

4126. With respect to the corn trade, does the corn trade now go into the Old Dock and the Junction Dock?—There are warehouses alongside the Humber Dock and the Junction Dock.

[The Witness withdrew.

[Adjourned to To-morrow, Twelve o'clock.

*Sabbati, 27<sup>a</sup> die Junii, 1840.*

RICHARD BETHEL, Esq. IN THE CHAIR.

Mr. *James Oldham* was again called in; and further Examined by  
Mr. Serjeant *Merewether*, as follows:

4127. HAVE you any part of your evidence of yesterday you wish to correct?—I wish to make a correction respecting the acreage of the land to be purchased in the Old Harbour; the number of square yards was correct, and the amount correct, but instead of being 5 acres, 1 rood and 13 perches, I meant 5 acres, 1 rood, 29 perches; the mistake had been made in handing the account over to the learned Counsel.

4128. You spoke yesterday of slips at the side of the harbour, to take up the timber?—I did.

4129. Are those slips worked with horses?—Yes, they are.

4130. Is there any difficulty in working them in that manner?—No, they get them out in that way.

4131. Do you know if that is the mode in which they are worked at Liverpool?—I am not aware.

4132. Does the corn trade now principally go into the Old Dock and the Junction Dock?—I believe it is spread generally over the town, in the different warehouses, but I am not aware of any in particular.

4133. If it goes into the Junction Dock and the Old Dock, is it not moved from thence by lighters and carts to the warehouses on the harbour side?—Yes, certainly, it must be.

4134. And to many other parts of the town?—Yes.

4135. If, instead of that, the vessels with corn could be brought directly alongside those warehouses on the harbour side, would there not be a saving of expense of lighterage or cartage?—Yes.

4136. Is not the removing it with lighters accompanied with danger, from their being obliged to go out into the Humber?—No doubt of it.

4137. Is a great deal of corn taken away from the harbour side by sloops?—Yes, I have seen it removed in sloops.

4138. Do those sloops take in a variety of other cargo?—I am not aware that they do; I have known in some cases mixed cargoes, but generally the small craft load up with corn.

4139. Do you know whether they take part of their cargoes from one warehouse and part from another?—I should judge that that must be the case.

4140. Can you tell me whether, in your judgment, it would be a convenience if those sloops for loading could at all times of the tide move from one part of the harbour to the other?—There can be no doubt about it.

4141. With respect to the timber-ponds; you told me yesterday you knew some of the timber-ponds at Hull?—Yes.

4142. Are you an agent for the Garrison-side Company?—I am engineer to the Garrison-ground Committee.

4143. That is on the east side of the harbour?—They have property on the east side of the harbour.

4144. They have timber-ponds?—Not timber-ponds, timber-yards.

Mr. *J. Oldham.*

26 June 1840.

Mr. *J. Oldham.*

27 June 1840.

Mr. J. Oldham.

27 June 1840.

4145. What is about the rent of a timber-pond?—That I am not aware of.

4146. You cannot give me that information?—No, I cannot.

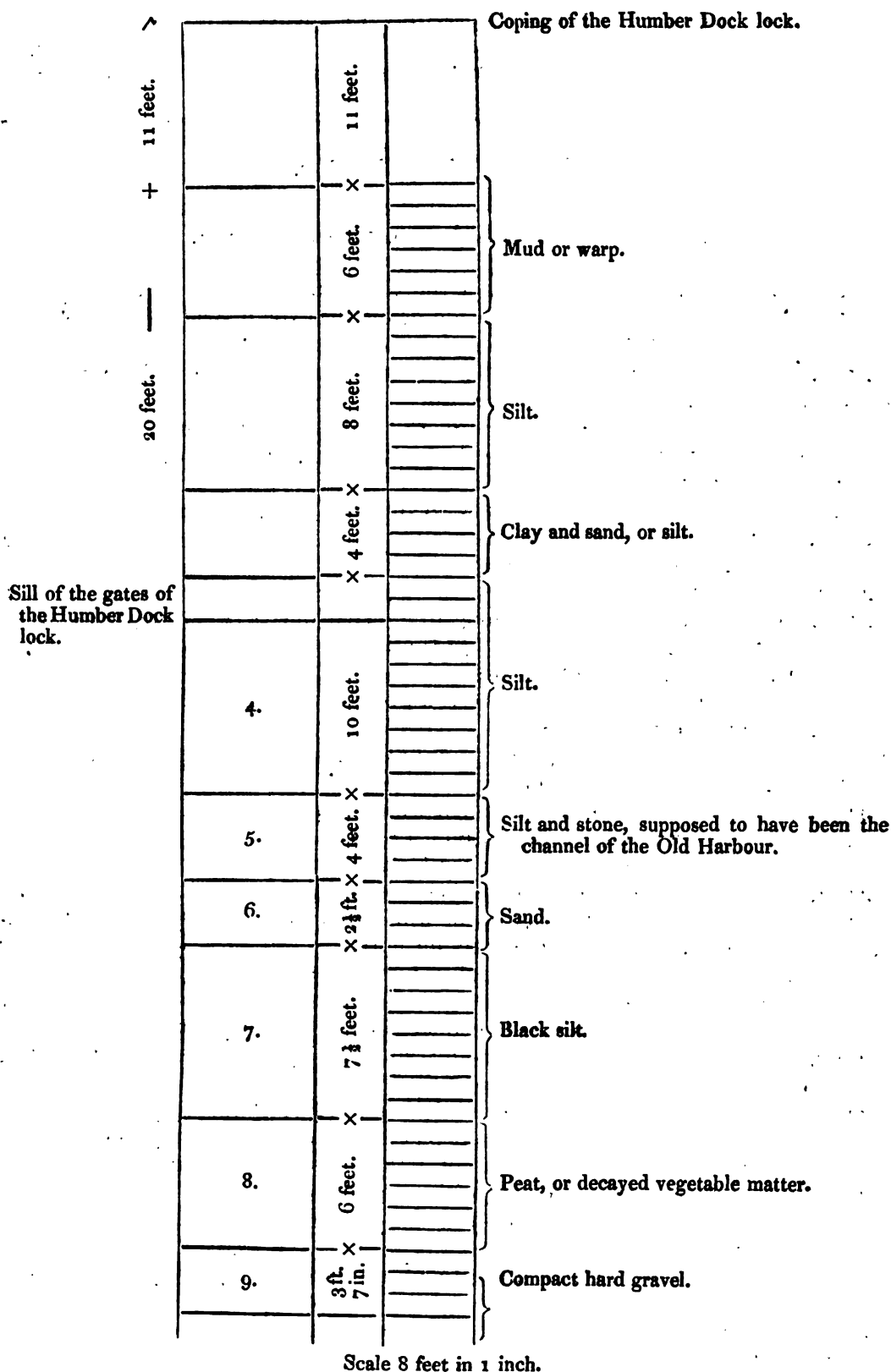
4147. You, I think, made the borings?—Yes, I did.

4148. At the entrance of the harbour?—Yes.

4149. Have you got a return there of them?—Yes, I have.

[The Witness delivered in the following Paper:]

STATEMENT of a Boring made, in March 1840, near to the Inner Dolphin, at the Mouth of the Old Harbour, at Kingston-upon-Hull.



James Oldham.

4150. Is that an accurate statement?—Yes.

4151. Where was that boring made?—Near the inner dolphin.

4152. Tell me the height of the mud there above the sill of the Humber Dock?—About 20 feet.

4153. That

4153. That is near the inner dolphin?—Yes, it is.

4154. Is the mud equally high at the outer or second dolphin?—It is a little lower, but not much.

4155. You have stated to me that you had known Hull for a long time; since you have known it, has the effect of the increase of mud there been to drive the vessels entering the harbour more to the westward?—Yes, it has.

4156. As you have known Hull so long, have the goodness to tell me whether you know that the present Old Harbour is dangerous for vessels to take the ground?—Yes, it is very dangerous.

4157. State the cause of the danger?—In consequence of the great quantity of chalk stone frequently deposited in it.

4158. Describe to the Committee where that chalk stone is deposited?—It is principally deposited on the wharfs on each side, particularly on the east, on the lower part of the harbour.

4159. Do you speak of below the North Bridge?—Yes, I do; on the east side.

4160. Is the effect of that when deposited there, that it is washed down into the channel of the harbour, and washed on to the craunch?—Yes.

4161. Whereabout does it take place on the west?—On both sides above the North Bridge, and some part below the North Bridge on the west.

4162. Whereabout is it on the west side below the North Bridge?—There are what are termed shipways, a platform of stone-work in the bed of the river, for the purpose of laying the ships on to examine their bottoms, and effect any slight repair during the absence of the tide.

4163. Just tell me whereabout those shipways are; are they between the North Bridge and Salthouse-lane?—Yes; they lie one on each side of the entrance basin to the Old Dock.

4164. Are those ways made of chalk in the way you state?—They are composed of hard stone.

4165. Is that hard stone often renewed?—Yes, I have known it renewed.

4166. As it is washed away?—Yes.

4167. Who do those shipways belong to?—That one between the dock basin and the North Bridge is the property of the Dock Company, and the other, I am not aware who are the proprietors of it.

4168. I think we have heard there is a great deal of rubbish thrown at different times into the river?—Yes.

4169. Where has that happened?—I have known it very much above the North Bridge, and sometimes below.

4170. Have you observed this craunch we have spoken of in front of Nelson-street; have you observed the increase of it?—Yes.

4171. Since you have known the river?—Yes.

4172. We understand some portion has been taken away; do you think that it will continue as low as it is taken, or will it fill up again?—It must fill up again as long as the cause exists for its formation.

4173. Have you ever seen any ships injured from taking the ground within the Old Harbour?—Yes, I have.

4174. Injured by the stones?—I recollect one vessel loaded with seed which received damage in the Old Harbour, and sunk in the Humber, and one man lost his life.

4175. What year was that?—I think it was 1812 or 1813.

4176. From what you have seen take place as to this craunch, in the increase of it, is the approach to the harbour of late years more difficult now than it used to be?—I believe it is attended with more difficulty.

4177. All the vessels that go into the Old Harbour at present pay the dock dues?—I understand they do.

4178. Do you know whether the rate of insurance is more for those vessels that go into the Old Harbour?—I have been told so.

4179. You do not know it of your own knowledge?—No.

4180. You have seen Mr. Rendel's plan?—Yes, I have.

4181. You have spoken already of the difficulties there are in the present Old Harbour, the entrance of it; according to Mr. Rendel's plan, having a new cut for the harbour, and making the harbour a dock, will the inconveniences you have spoken of, in your judgment, be removed?—Very much so.

4182. Have you seen Mr. Walker's plan also?—I have.

4183. In

Mr. J. Oldham.

27 June 1840.

4183. In your judgment, will a dock there, with the accommodation he may make for timber, be at all equal to the advantages to be derived to the town and port by the steam arrangement, and making a new dock of the Old Harbour, and a new cut according to Mr. Rendel's plan?—I think, for the trade generally, Mr. Rendel's plan is preferable.

4184. For the steam-boats, do you think it would be decidedly better?—For a certain class it would.

4185. With respect to the large class of steamers, is there good accommodation afforded?—The largest class of steamers cannot enter Mr. Rendel's proposed dock.

4186. I was asking about the basin?—Mr. Rendel's basin is certainly superior to anything I have seen laid down.

4187. Will the Old Harbour being converted into a dock be very beneficial to the trade with reference to the warehouses on the side of the Old Dock?—Certainly.

4188. Will the new cut be an improvement to the navigation of the river and the drainage, as well as to the harbour as a harbour of refuge?—Yes, I have no doubt of it.

Cross-examined by Mr. Austin.

4189. You come here to inform the Committee the value of the land to be taken for Mr. Rendel's plan?—I believe I did.

4190. When did you make your estimate?—Some time since.

4191. When?—Before I left home.

4192. Before you came to London?—Yes.

4193. *Committee.*] Can you tell us the week?—It is some time since.

4194. Mr. Austin.] Have you not got your book of particulars?—I have got a paper.

4195. When did you make it?—I cannot say; I made up my mind as to the value before I left Hull.

4196. Was it in May or in this month of June?—I have not been at home in June; I came up in May.

4197. Be so good as to tell us when it was?—Do you mean the price per yard or per acre, or the total amount?

4198. I mean when you went over and examined the property to ascertain the value.—I am sure I cannot tell to a week or two; it is some weeks ago.

4199. Was it at the time Mr. Rendel was in Hull?—Since then.

4200. So I thought; how long had he left Hull before you went on to the property to examine it?—I cannot tell to a week or two, or to a month.

4201. Had you his plan at the time you valued the property?—No; his plan had been at Hull.

4202. Had you seen it?—Yes.

4203. Was your attention directed to the value of the land for that particular plan?—Yes, certainly.

4204. From whom did you receive your directions?—From Mr. Hassell and other gentlemen.

4205. Mr. Smith?—I am not aware that he was present.

4206. You saw him from time to time in the course of the business?—Yes.

4207. Were you directed to value the three spots of land you described yesterday?—Yes.

4208. From the Old Harbour to the bridge, and from the bridge to the Humber, and the additional land at the Humber end of the existing Old Harbour?—Yes, on the east side.

4209. Were you directed to value that land and no more?—Yes, exactly.

4210. Now be so good as to give me what is the amount of the acreage you proposed to resell; you told us you proposed to purchase 33 acres at the price of 80,540 *l.*, and to sell 37,800 *l.*; how much does that amount to in acreage?—The quantity between the Old Harbour and Citadel Bridge 9,111 yards, at one guinea.

4211. The next?—The next is five acres of extra-parochial land.

4212. Whereabouts is that?—Between the Citadel Bridge and the Humber.

4213. Which side?—East and west, both sides.

4214. What quantity?—Five acres, 2,000 *l.* per acre.

4215. Exactly five acres?—Yes.

4216. The

Mr. J. Oldham.

27 June 1840.

4216. The next?—Two acres and three quarters, at 1,000 *l.*; that is ground adjoining the extra-parochial.

4217. That will make your 12,000 *l.*; now for the 16,000 *l.*?—That will amount to 15,627 yards along the eastern side of the proposed dock in the Old Harbour.

4218. That is all the land you sell?—Yes; 16,409 *l.*

4219. What is the amount of all that; turn the yards into acres?—The amount is 38,725 *l.*

4220. Let us have it in acres, the total quantity you resell?—About 12½ acres.

4221. That will leave you 20 acres that you retain?—Yes; about that.

4222. Now be so good as to tell me, directing your mind to the 20 acres, how much of that 20 acres will be to the eastward of the proposed new cut?—There will be 12 acres on the east and six acres on the west of the new cut.

4223. Where are the other two; that only makes 18?—I believe the other two acres are taken up by a road, but I cannot justly explain that to the Committee.

4224. Be so good as to take Mr. Rendel's plan in your hand and tell me whereabouts those 12 acres are.

*(The Witness handed in a Plan, with a part coloured red or pink upon it.)*

4225. Do you hand me this in for the purpose of showing the amount of land you propose to retain after reselling the surplus. Does this part coloured pink in the plan just delivered in represent the number of acres of land you propose to retain after reselling what you do not want?—Except that part taken up by the channel for the new cut.

4226. Then do I understand you to say, independently of the channel for the new cut, there are 20 acres that will be in the possession of any company or body of persons that would execute this work?—Yes.

4227. Do you understand my question?—Yes.

4228. Then this pink portion of the plan represents 20 acres of land plus the site of the new channel?—Yes.

4229. Is that so?—Yes, exactly.

4230. Then be so good as to inform the Committee how much land has been taken to form the new channel?—Nine acres.

4231. Where is that nine acres in your estimate?—The nine acres I have not estimated for; the channel takes up nine acres.

4232. How much per acre is your total cost?—Part of it is at one rate and part at another.

4233. How much at one and how much at another?—I cannot just now tell you; the whole is taken together; but I suppose about one-third I should guess is the part next the Old Harbour.

4234. Now be so good as to give the Committee, together or apart, the cost of those nine acres of land?—

4235. *Committee.*] That has not been included?—Yes, it is included in the whole amount.

4236. Mr. *Austin.*] You propose to take 6 acres, 2 roods, and 16 perches between the Old Harbour and the Garrison Bridge?—Yes.

4237. You propose to take 20½ from the bridge down to the Humber?—Yes.

4238. And 5 acres, 1 rood, and 29 perches?—Yes.

4239. That makes altogether 32½ acres?—Yes.

4240. Do you mean that those 32½ acres comprise the land of the new cut?—No.

4241. Then, if they do not comprise the bed of the proposed new cut, will you show me where you have given me any figures that do comprise it?—The quantity of land taken between the Old Harbour and the Citadel Bridge, one lot, amounts to 6 acres, 2 roods, 16 perches, and the other part, for the new cut, lying between the Citadel Bridge and the Humber, 20 acres 3 roods.

4242. So you told us before?—Yes; then 5 acres, 1 rood, and 29 perches refers to the land to be bought on the east side of the present Old Harbour.

4243. My question is this; you tell me that the bed of the proposed new cut will occupy an area of nine acres?—Yes.

4244. The nine acres is not included either in the 6 acres, 2 roods, and 16 perches,

Mr. J. Oldham.  
27 June 1840.

16 perches, the  $20\frac{3}{4}$  acres, or the 5 acres, 1 rood, and 29 perches?—It is included in that quantity.

4245. Which quantity?—Six acres, 2 roods, and 16 perches, and the 20 acres, and 3 perches.

4246. That being so, your former answer, made upon due deliberation, is wrong?—I did not understand the question.

4247. Then the fact is, that all the part coloured red upon this plan now given in, including that area, consists of 20 acres?—It consists of 33 acres nearly.

4248. No, you are wrong; the whole quantity of land is  $32\frac{3}{4}$  acres?—Yes.

4249. You propose to resell  $12\frac{3}{4}$  acres, and deducting  $12\frac{3}{4}$  from  $32\frac{3}{4}$ , leaves 20 acres?—Yes.

4250. Do we understand or not that after completing the operation of selling, there will be 20 acres in hand to execute the works?—Yes.

4251. That is to cost 80,549 l.?—Yes, the whole purchase.

4252. You propose to purchase altogether 33 acres of land, and resell 13 acres?—Yes.

4253. Is not that so?—Yes.

4254. That leaves 20 acres?—Yes.

4255. All that you propose to take for the purpose of executing Mr. Rendel's plan is 20 acres of land?—Yes, it is.

4256. Twenty acres of land is the entire quantity proposed by you to be taken to make Mr. Rendel's dock and new cut?—Yes.

4257. That being the quantity you have given in a plan this morning, which I now hold in my hand?—Yes.

4258. I understand upon plan is coloured red the quantity of acreage of land required for the execution of Mr. Rendel's plan?—Yes, the whole of the works; the whole to be purchased.

4259. That is to say upon that plan as laid down in point of amount of land, in acreage 20 acres?—Thirty-three acres.

4260. *Committee.*] It includes what you mean to resell?—Yes.

4261. Mr. *Austin.*] Have you got a plan showing what you mean to retain?—That shows it.

4262. Just come here and show me?—(*The Witness explained it upon the Plan.*)

4263. The entire part marked red represents the  $32\frac{3}{4}$  acres?—Yes.

4264. Now, then, beginning from the Humber, there is a black dotted line running up towards the churchyard?—Yes.

4265. To the east of the proposed new cut?—Yes.

4266. Is that what you propose to sell?—We propose to sell it.

4267. Now, then, that will leave in your possession all that space marked red?—Not so much as that.

4268. Is that so?—The quantity to be retained will be less than is marked by dotted line; between the dotted line and the new cut it will be rather wider than will be retained.

4269. I observe that when you cross Church-street to the north-westward, you preserve a very slight strip indeed between the churchyard and the proposed new cut?—Yes.

4270. What is the width of it?—Twenty feet.

4271. What width will you actually reserve between the side of the cut and the boundary line below it?—I do not know exactly what Mr. Rendel has fixed upon.

4272. *Committee.*] That part adjoining the church represents 20 feet?—Twenty feet roadway.

4273. Mr. *Austin.*] You cannot tell me what the width will be?—No, I cannot.

4274. Then I suppose you follow up with your dotted line up to the Old Harbour, crossing Harcourt-street and Thornton-street in the same manner?—Yes.

4275. Do you propose that that space should be merely left open for a road?—It is put down to show that a road will be made there.

4276. That is all that it is to be?—The road will be necessary; I cannot say it is to be all.

4277. There

4277. There is to be a narrower road on the western side of the new cut?—Yes.

4278. That will be all that will be retained?—There will be a screed of ground to be disposed of out of what will be retained.

4279. There will be the new cut occupying the nine acres?—Yes, with a road on each side.

4280. Just go down the east side of the Old Harbour; you propose to take all that coloured red on the east side of the harbour?—Yes.

4281. Then you propose widening the Old Harbour to the straight black line running nearly in the middle?—Yes.

4282. What do you intend to do with the rest of the red bit to the east?—That is to be sold.

4283. Everything that is marked down, “site for sheds,” you have included in the estimate to be sold?—Yes, except the narrow piece for the road.

4284. What is the width that you propose to retain to the east?—The width of the present road is 24 feet, and Mr. Rendel will make it the same.

4285. There will be a 24-foot road on the east of the proposed harbour?—Yes.

4286. Can you inform the Committee of the width of the wharfs on the other side at present?—They vary from 15 to 20 feet.

4287. Now, then, the whole quantity retained, I understand you to say, after effecting these operations there, will be 20 acres?—Yes.

4288. That will include the area of the proposed new cut?—Yes.

4289. Subtracting the area of the proposed new cut, you will have 11 acres remaining?—Yes.

4290. For the purpose of the road you have described; you will have 11 acres remaining to make the road you have described?—Yes.

4291. And increasing the area of the proposed Old Harbour Dock?—Yes.

4292. Have I not expended all your land?—Yes, I think so.

4293. I think so too. Now, then, the cost of those 20 acres of land, quite independent of the compensation, I make to be 41,824*l.*?—That is for land to be used.

4294. Consisting of nine acres, the area of the water space for the new passage, and 11 acres, to be used as roads in the way described and increased dock?—Yes.

4295. Can you show me this; can you follow my finger here?—Yes.

4296. That will be the quay room (*pointing to the Plan*)?—Yes.

4297. Give me the area of that?—You have it already.

4298. Just tell me what it is?—Seven acres and a quarter round the outer part of the new dock.

4299. *Committee.*] That takes the east and west side?—Yes, and the south.

4300. *Mr. Austin.*] Let me distinctly understand; if the plan is to be carried into execution according to what you have stated in your evidence, the additional quay room, by Mr. Rendel's plan, will be 7  $\frac{1}{4}$  acres?—The outer part of his proposed dock.

4301. And there will be no other quay?—Yes.

4302. Where?—There will be about three more acres along the upper part of his proposed dock, of land retained.

4303. Is this it (*pointing to the Plan*)?—Yes; but there will be a screed of land left to be sold, part for wharfs.

4304. I am asking you what quay room there will be upon the land that is proposed to be purchased and retained; was I right in saying the quay room will be 7  $\frac{1}{4}$  acres?—Yes; the outer part, that is wharfage reclaimed from the Humber, not to be purchased.

4305. How much of the land that is to be purchased and retained will be required for the proposed dock?—On the west of the red screed, the difference between the whole quantity and the part sold will be appropriated to water.

4306. I want to know the amount in acres of that bit?—I will give it you in two minutes; the portion to be appropriated to water space will be 17,200 square yards.

4307. In the Old Harbour?—Yes.

4308. Can you give me that in acres?—Yes; it is very nearly four acres.

4309. Then there will be in fact only seven acres used for roads and such purposes.



Mr. J. Oldham.

27 June 1840.

purposes, instead of 11; then the figures will be, seven acres for roads, &c., nine acres for the area of the proposed new cut, and four acres for the proposed additional water space to the New Dock?—Yes.

4310. Now, I asked you a question just now as to what your directions were as to the land you valued, and you informed me that the directions were that you should value the land laid down on Mr. Rendel's plan; was that right?—Yes.

4311. In pursuance of those directions, did you value all the land marked red?—Yes.

4312. Did you upon your first valuation propose to cut off those various parts, amounting to  $12\frac{1}{2}$  acres?—Yes.

4313. Were you directed to do that from the first?—Yes; what you see coloured.

4314. You do not understand me; you say you were directed to make a valuation of all the land included in this pink area?—Yes.

4315. You have been examined this morning and yesterday, and you say you have made such a valuation, but you propose to reject  $12\frac{1}{2}$  acres, depicted by those dotted lines?—Yes.

4316. Were you directed from the beginning to make your calculation upon that plan?—Yes.

4317. Were you told from the beginning you would not be required to retain that portion of land?—I could not understand what I had to value till I saw Mr. Rendel's plan, and when I saw Mr. Rendel's plan I got my instructions, and I put a value upon it.

4318. Were your instructions to put a value upon the whole and reject the 12 acres, or to put a value upon the whole?—My instructions were to value the land to be bought.

4319. When did you receive your instructions to separate the quantity to be resold from the other?—Since I have been here in London.

4320. How long was that ago?—It has been since I was in London, and I have been here a month.

4321. At the time you came to London you had not made that separate valuation?—No.

4322. Be so good as to tell me how long you had been in London when you received directions to make a separate valuation of the  $12\frac{1}{2}$  acres?—After I had been in town a week.

4323. From whom did you get those instructions?—From Mr. Rendel.

4324. When did you first see the plan with those dotted lines upon it?—Soon after my arrival; I cannot say to a day or a week.

4325. Were not you instructed to make a separate valuation for the  $12\frac{1}{2}$  acres when that plan with the dotted line was shown to you?—My instructions were first to value for the whole site.

4326. You say you saw a plan with dotted lines upon it after you arrived in London?—Yes.

4327. Was that about a week after you arrived?—Yes.

4328. Mr. Rendel gave it you?—Yes.

4329. Did he not then tell you to value the  $12\frac{1}{2}$  acres?—Not just then.

4330. When was it?—Not before that.

4331. Not before you saw the plan with the dotted line?—I cannot be sure.

4332. Did you make a separate valuation of the  $12\frac{1}{2}$  acres last week?—Before last week.

4333. Was it the week before last?—It might be; I cannot say exactly.

4334. Was it after this Bill had been in Committee, and after the examination had taken place?—It was before.

4335. Before the Bill came into Committee?—Yes.

4336. Now, I understand you, if you are to retain the entire pink area, the cost of the land will be 100,000 *l.* with the compensation?—Yes.

4337. You reduce that to 61,000 *l.* by getting rid of  $12\frac{1}{2}$  acres?—Yes.

4338. Do you not know that that was required to be valued separately by you to reduce the 100,000 *l.*?—That was never understood by me; I know what is your drift, and there is a certain coincidence.

4339. Did it occur to you when you were directed to value the  $12\frac{1}{2}$  acres that something of that sort was in the wind?—No, it did not.

4340. You

Mr. J. Oldham.

27 June 1840.

4340. You preserved your simplicity beyond that?—Yes; I assure you we had no such view, and I do not believe Mr. Rendel had.

4341. Now, as to the compensation, 19,500 *l.* where is that to be allowed?—For land and buildings, and other erections.

4342. Whereabout?—Along the site of that portion lying between the Old Harbour and the Citadel Bridge, and also along the sides of the proposed new dock in the harbour.

4343. Just split that 19,500 *l.* into two parts, how much is to be allotted to the new cut, and how much to the Old Harbour, will you tell me?—Yes, if that is a question I ought to answer.

4344. Yes, that is a question you must answer?—I am ready to answer the question.

4345. How much compensation to the east and how much to the west of the citadel?—To the east of the citadel 4,500 *l.*

4346. To the west?—West of the citadel, 15,000 *l.*; perhaps you do not exactly direct the question properly; if you will allow me, I will explain; the 15,000 *l.* is for that which lies on both sides of the proposed New Harbour Dock, and the 4,500 *l.* is for that part which lies to the east of the Hull river, and about the north-east of the citadel.

4347. Then 15,000 *l.* is for property lying on either side of the proposed dock, below the point where the proposed new cut will leave the Old Harbour?—Yes.

4348. On either side?—Yes.

4349. And of that 15,000 *l.* how much do you allot to the east and how much to the west of the present Old Harbour?—£. 6,000 to the west and 9,000 *l.* to the east.

4350. I do not perceive that you purchase any land at all?—No.

4351. What is the 9,000 *l.* allotted for when you do not touch anything?—For compensation for damage to the warehouses where the new lock will be placed, the north lock.

4352. The entire 9,000 *l.* for that?—No, the 6,000 *l.*

4353. £. 6,000 and the 9,000 *l.*?—Yes.

4354. I understand you are to allot 9,000 *l.* for compensation on the west side of the Old Harbour?—£. 6,000 for the west and 9,000 *l.* for the east.

4355. Is the whole of 6,000 *l.* allotted for the warehouses?—Yes.

4356. At the point of the lock?—Yes.

4357. You do not propose to take down the warehouses fronting that road?—No.

4358. Just describe the nature of the injury?—

Mr. Serjeant *Merewether* objected to the question.

The question was waived.

4359. Mr. *Austin*.] Do you know a place called the Dock Green?—Yes, I do.

4360. Is that big enough to make a timber-pond, or anything of that kind?—Yes, a very large one.

4361. What is the value of the property?—If I am not mistaken—if I may state the exact amount I have heard—I have heard that the Railway Company have paid Mr. Broadly opposite 25 *s.* per yard, and the adjoining property I understand was paid for at that amount.

4362. You, like Mr. Rendel, have always lived at Hull, and are well acquainted with it; tell us what the value of the land is?—I think it is worth more.

4363. I want to know the figures you have mentioned?—I think I durst give 25 *s.* a yard for it.

4364. How much is that an acre; tell the Committee what it is worth per acre?—It is about 6,352 *l.* per acre; about that; that is at 25 *s.*

4365. In your opinion, is it not worth more than that?—I say I durst give that for it.

4366. Just give me the value, upon your valuing principles, as if you had your little red book and your pencil in your hand; is it worth 30 *s.* a yard?—I should not think it is.

4367. Just tell me?—Let me consider a little.

4368. I will, and then I will knock it down to you at your own price?—It is worth more than that, but I cannot say how much.

Mr. J. Oldham.

27 June 1840.

4369. Will not you give me 30 s. a yard?—I will not.
4370. Estimate it at 30 s. a yard, and tell me how much it will be?—At a rough calculation, I should suppose there are about 37,350 yards; it would be worth about 56,000 l. at 30 s. a yard.
4371. How many acres is it?—About eight acres.
4372. Do you know the price that was given by the Dock Company for the area of the Humber Docks?—No, I do not know that.
4373. That was made several years ago?—Yes.
4374. In the year 1825?—Yes; there are persons here who can tell.
4375. You do not know that they gave 5,000 l. an acre, 35 years ago, for it?—No, I do not; that would be only 1 l. a yard.
4376. I believe you are an engineer?—I am.
4377. You have been asked some questions relative to these docks; have you pretty well made up your mind in favour of Mr. Rendel's plan?—Yes, I have.
4378. I thought so, as contrasted with Mr. Walker's?—Yes.
4379. I suppose you were not acquainted with that plan till you saw Mr. Rendel, at Hull?—What plan?
4380. Mr. Rendel's plan?—No.
4381. Are you any relation to "James Oldham, civil engineer"?—My name is James Oldham.
4382. Are you the same man?—I believe so.
4383. Did you ever make a plan for docks at Hull?—I have, several.
4384. Did you not make Mr. Walker's plan?—I made a plan for a dock on the same site, and I believe Mr. Walker's plan is a copy of it.
4385. Is this the plan that you in the year 1838 prepared (*exhibiting a Plan to the Witness*); do you not know your own child?—That is not the last plan I prepared.
4386. I see it is your plan, and your own name lithographed?—It is not the last one I made.
4387. Did you make it?—Yes; that is from a plan I drew.
4388. Was not it your plan?—Yes, it was.
4389. Was not it in substance the plan of Mr. Walker?—No; I will show you a copy of my last.
4390. Is not that in substance the plan of Mr. Walker?—Something similar it contains.
4391. It contains a part of the idea?—I believe it does.
4392. For whom did you make that plan?—By the request of Mr. Wilkinson, at Hull.
4393. Is he a solicitor?—Yes, I believe he is.
4394. Did you see, upon the occasion of that plan, Mr. Smith, of Hull?—I do not recollect at all.
4395. Mr. John Smith?—I think, not at all.
4396. Is there any other plan you made in pursuance of the directions of Mr. Smith; you have got another plan?—Yes, I have.
4397. Let me look at it?—(*It was handed to Mr. Austin.*)
4398. Is not this in principle the same plan as the other?—Not exactly; it is the same principle; you have one entrance from the Humber, and another from the Old Harbour.
4399. And it is built up on the property of Mr. Raikes?—Yes.
4400. To the east of the citadel?—Yes.
4401. That leaves the Old Harbour as it is now?—Yes.
4402. Was this made by "James Oldham, civil engineer," in 1838?—Yes.
4403. Was this made for John Smith and his associates?—Yes; he was concerned in it, but I never received any instructions from him.
4404. From whom did you receive instructions?—Mr. Holden.
4405. A solicitor?—Yes. Mr. Holden, Mr. Reynolds, and myself arranged the plans for the scheme at that time, in 1838.
4406. Is Mr. Reynolds an engineer?—No, but he has a pretty good knowledge of it.
4407. I suppose that plan was made under the necessity that was then felt for increased dock accommodation?—Yes; my instructions were to survey that part of the neighbourhood, and to give a design for a dock, which I did in 1838.
4408. East of the citadel?—Yes.

4409. I

Mr. J. Oldham.

27 June 1840.

4409. I observe that you project still further than Mr. Walker's basin?—Yes, I do; not much; it is something about the same.

4410. You have no doubt, I take it, that Mr. Smith was an active promoter of that plan?—During the time I was engaged for that party, I understood distinctly from Mr. Smith—for I was rather surprised to find he was not in favour of it,—he told me himself distinctly at the time he preferred the Old Harbour being turned into a dock.

4411. Was he a supporter of this plan?—I do not know for a fact; I have only heard since I have been here that he intended to have shares in it.

4412. Mr. Reynolds seems to have taken an active part?—Yes.

4413. Was he an active supporter?—I do not know how far his support went.

4414. Was he an active supporter?—He was connected with Mr. Holden and myself in the arrangement of the plan, and preparing for Parliament at that time.

4415. Was he an active supporter?—Do you mean in amount of shares to be taken?

4416. By active supporter, I mean an active supporter.—Do you mean by amount of shares taken?

4417. Is he an active opposer now?—Yes, he is.

Re-examined by Mr. *Serjeant Merewether*.

4418. Now, about this plan; as I understand, this red mark denotes all the land that Mr. Rendel proposes should be purchased to carry this plan into execution?—Yes.

4419. Is it a part of his plan that a great portion of this land is to be covered with the soil to be taken out of the new cut?—Yes.

4420. Considering the nature of the ground there, will it be much improved when covered by that soil, and raised so as to have wharfs made upon it?—Yes, certainly it will.

4421. And increased in value?—Yes.

4422. If persons wished to execute this work, and did not wish to be jobbers in land, would it not be expedient for them to sell the land not wanted for the purpose of the works?—Yes.

4423. When did you divide the land into that to be retained and that sold; does not the first describe the land necessary for the work?—Yes.

4424. And the other would be left capable of being disposed of?—Yes.

4425. Capable of being used for building quays or wharfs if necessary, or sold to individuals for that purpose?—Yes.

4426. Will the land, when altered in the way Mr. Rendel proposes, be adapted for wharfs and warehouses?—Yes.

4427. Do you think it beneficial or otherwise to Hull that the whole of the wharfage or quayage should be in the hands of one company, or in the possession of individuals?—I think it would be better for the town that they should be in the hands of individuals.

4428. Have you found it practically leads to monopoly if the Dock Company have possession of the land on the side; have not the Dock Company the whole of the north side of the Old Dock?—I believe so, or near about.

4429. Have they not a considerable quantity of land built into streets, and which they have since sold?—Yes.

4430. Sold at a great profit?—I am not aware of that.

4431. Have you any doubt that that land on each side of the new cut will be very valuable for the purpose of quayage and wharfage?—I have no doubt it will be very valuable for many purposes.

4432. Do you draw that inference from what you have seen done by the Dock Company?—Yes, and from the scarcity of wharfage for ship-building and other purposes.

4433. Mr. *Austin*.] Do you mean now existing at Hull?—Yes.

4434. Mr. *Serjeant Merewether*.] Do you mean to represent there will not be the quantity of quayage and wharfage that Mr. Rendel has stated?—I believe he is perfectly correct in what he stated.

4435. Your object has been to separate the land wanted for the works from that which may be used for quayage and wharfage?—Yes.

4436. A part may be used for roads?—Yes.

4437. But the rest for the purposes you have stated?—Yes.

4438. You

Mr. J. Oldham.

27 June 1840.

4438. You have been asked with respect to Dock Green; that is very valuable property?—No doubt of it.

4439. Do you know whether the value of that property has been increased since the docks came there and the railway?—I have no doubt of it.

4440. Before that it was not so valuable?—No, if I may judge from the time it has been occupied.

4441. Other parts have been occupied by buildings, but that has not?—Yes; but I do not know that that was the cause.

4442. Supposing this corporation were allowed to buy 64 acres of land in the marsh; applying the experience you have gained from these docks, do you not think that that would be a very good speculation for them?—I have no doubt of it.

4443. You have no doubt that the value of the land will be increased very much if it is used for warehouses and other purposes?—No doubt of it.

4444. That forms a considerable ingredient in the speculation for this work? I have no doubt of it.

4445. With respect to that part near Dock Green, you have told me that a portion of the bonding-yard there had been used for the railway station?—Yes.

4446. Was that ground taken at the same value in consequence of being used as a bonding-yard?—I have stated the value for the part taken by the Railway Company.

4447. That would be about the same as you have given for Dock Green?—No; the amount I have been calculating is 30*s.* a yard for the other part, by the request of Mr. Austin. I have no doubt that in a little time it will be worth that, or perhaps more.

4448. You say you were not acquainted with Mr. Rendel's plan till he was at Hull?—No, I was not.

4449. The first plan I understood you to have made at the request of Mr. Wilkinson?—Yes.

4450. Was Mr. Wilkinson the attorney of Mr. Raikes?—Yes.

4451. Was he the owner of the property?—Yes, the Messrs. Raikes.

4452. Was this plan made to show how valuable Mr. Raikes's land might be made?—It was intended to show that a dock might be made upon it.

4453. In order to recommend the land for sale?—I do not know the motive.

4454. Had you any communication with Mr. Wilkinson that would acquaint you with what was the object of suggesting this plan upon that land?—I have no doubt it was with reference to making the best of the estate.

4455. To whom was it an object at that time to sell the estate?—I think there were other parties besides the Dock Company that had some eye to it; I am not sure.

4456. Had the Dock Company?—I believe so.

4457. Do you know whether Mr. Raikes offered the land to the Dock Company?—He did afterwards.

4458. Can you tell me the time he offered it to them?—No, I cannot.

4459. This plan was lithographed and circulated?—Yes.

4460. And then he made an offer of the land to the Dock Company?—Yes.

4461. That is the progress of the facts, as far as you know?—Yes.

4462. Does this include the whole of the land the Dock Company are now going to purchase, or only a part of it?—Only part of it.

4463. The Dock Company are about to purchase a larger quantity?—Yes, larger than was then contemplated.

4464. Or larger than was offered?—Yes, I believe so.

4465. Then I understand from you that afterwards my learned friend, Mr. Reynolds, Mr. Rendel, Mr. Holden, and yourself were desirous of recommending a dock on this piece of ground?—Yes.

4466. Was that plan, and that recommendation, and the notion of forming that company, entirely connected with that piece of ground?—Yes, it was.

4467. What was the purport of recommending this plan?—Because it was a suitable site for a dock.

4468. At that time did you consider at all whether the converting the Old River into a dock would be desirable or not?—Before that time I had been employed

employed in a scheme for converting the Old Harbour into a dock, before the first of those was made.

4469. Did you adopt this with regard to the opportunity of getting this piece of land, or in preference to turning the Old Harbour into a dock?—I will explain it to you. In reference to the Old Harbour, certain difficulties arose as to the diversion of the drains, and it was not considered at the time practicable, without very serious difficulty and opposition. It did not occur to myself and those I was associated with at the time, which was about 1835, the idea of turning the river, as Mr. Rendel had since proposed; but if it had struck myself, at any rate I should have suggested it at the time, but I did not see the thing at all.

4470. Was a suggestion made in 1835 for penning up the Old River a considerable way up the country?—Yes, to the first lock, as far as it would flow.

4471. To that there was an objection on the score of the drainage?—Yes.

4472. Is the first lock up towards Driffeld?—Yes.

4473. Twenty miles?—Yes, thereabout.

4474. That was the plan entertained at that time?—Yes.

4475. You never contemplated a new cut for the river?—Just so.

4476. You drew both those plans, as your attention was drawn to the subject?—Yes.

4477. This being, as my learned friend calls it, your own child, having an opportunity of comparing your own child with Mr. Rendel's, which do you prefer?—I prefer Mr. Rendel's to my own, because we get by the means he proposes ample accommodation for the port.

4478. I believe this land of Mr. Raikes originally belonged to the Garrison-ground Committee?—Yes, I believe it did.

4479. It was purchased by Mr. Raikes from them?—Yes.

4480. What is about the quantity?—Eighteen acres.

4481. It is 17 acres, 1 rood, 19 perches?—It is near 18 acres.

4482. Was it purchased in the year 1824?—I do not know; it was purchased before I had anything to do with the Garrison-ground Committee.

4483. Could you say what it was sold for?—No; I have heard, but I should not like to say; I do not know it as a fact.

4484. Who have you heard it from?—I do not recollect.

4485. I understand the instructions you had from Mr. Wilkinson were merely to survey that piece of ground of Mr. Raikes?—Yes.

4486. With a view to suggesting this plan?—Yes, and to show that a dock might be constructed.

4487. Do you know how the property was subsequently offered by Mr. Raikes to Mr. Holden, yourself, and Mr. Reynolds?—Do you mean the price?

4488. Yes.—£1,000 an acre; I believe it is quite notorious.

4489. I wished to know whether the offer made to yourself and Mr. Reynolds was an entire out-and-out purchase, or a conditional purchase only?—I cannot explain the official offer that was made to that party.

4490. You do not know the manner in which it was offered?—No.

4491. I understand from you that Mr. Smith was always favourable to the Old Harbour being made into a dock?—Yes.

4492. Do you know how early he entertained that opinion?—I do not know how early; before the project of the Queen's Dock.

4493. *Committee.*] What do you propose to do with the warehouses; do you propose to sell the land for warehouses at the side of the docks?—Yes.

4494. And leave a public road between the warehouses and the dock open to the public?—Yes.

4495. And sell the whole of the rest as private property?—Yes.

4496. I understand you were engaged in a speculation to make a dock where Mr. Walker's is now proposed to be?—Yes.

4497. You could have no very material objection, as an engineer, to Mr. Walker's plan, as detrimental to the commerce of the port, as you made a plan upon the same ground, and engaged in a speculation to forward it?—I have no objection to the site for a dock east of the citadel, if a better cannot be found; I gave my reason.

4498. Supposing there were no such plan as that which Mr. Rendel has proposed, or that no such plan could be executed for the want of funds, do you not think the execution of Mr. Walker's plan would be a great benefit to the port?—

Mr. J. Oldham.

27 June 1840.

port?—I do not hesitate for a moment to say so, in connexion with the Old Harbour, not without it.

4499. What do you think of the steam-boat pier?—I think it a very excellent contrivance.

4500. Do you know whether there is any security that this ground you propose to re-sell will be occupied by warehouses in a way most advantageous to the public?—It will be thrown into the market for competition, and no doubt it will be sold; and my opinion is that it will be appropriated to ship-building.

4501. Which part?—East to the new cut; it is a very suitable place for that and many other purposes; timber-ponds.

4502. Is that much wanted at Hull?—Very much so.

[The Witness withdrew.]

*James Meadows Rendel, Esq.* was again called in; and further Examined by Mr. Serjeant *Merewether*, as follows:

J. M. Rendel, Esq.

4503. YOU were to prepare a statement of the land that would be wanted; have you got such a statement in your hand?—Yes, I have.

4504. Put it in?—

[*The Witness delivered in the following Paper:*]

HULL DOCKS, according to Mr. *Rendel's* Design.

Whole area of dock, basins, wharf, and piers, exclusive of that part of the Old Harbour converted into a dock, 81 acres, of which 33 acres is land to be purchased, and the remainder, or 48 acres, is taken from the foreshore. Of the 33 acres of land to be purchased, three will be used for widening the Old Harbour, and making it into a dock, and for wharfs, 5 A. 1 R. 29 P.; for the new channel for the River Hull, measuring from where it leaves the present Old Harbour to high water on the Humber Bank, 9 A. 1 R. 13 P.; for wharfs on each side of this channel, 18 A. 0 R. 38 P., of which 6 A. 1 R. will be on the west or citadel side of the new channel, and 12 acres on the east of the new channel.

27 June 1840.

J. M. Rendel.

[The Witness withdrew.]

Mr. *Thomas Hamer* was called in; and Examined by Mr. *Reynolds*, as follows:

Mr. T. Hamer.

4505. I BELIEVE you are a contractor for engineering works at Driffeld?—Yes.

4506. And also agent or manager of the Driffeld Navigation?—Yes.

4507. Are you well acquainted with the drainages through the River Hull?—Yes.

4508. How many years have you known them?—Forty.

4509. Were you employed in 1835 to make a section of the River Hull, with respect to the drainages?—Yes.

4510. Does that section show the level of the River Hull, and the level of the drainages falling into it?—Yes; I have a copy of it in my pocket.

[*A Plan was handed in.*]

4511. Does the dark black line at the bottom show the level line of the general water from the River Humber upwards?—Yes, at low water.

4512. Does each line from that upwards show the distance of one foot?—Yes.

4513. Each dark line shows five feet?—Yes.

4514. Look on the left hand side of it, under the figure 6, the words, "Cottingham drain"?—Yes.

4515. Does that show the bottom level of the Cottingham drain at its junction with the River Hull?—Yes, I think it does.

4516. You had better be sure?—Yes.

4517. Does the bottom mark show the level of the bottom of the Cottingham drain at its junction with the River Hull?—Yes.

4518. The next is the Beverley and Barmstone drain?—Yes.

4519. That

Mr. T. Hamer.

27 June 1840.

4519. That shows the level of it?—Yes.
4520. The next is the Skidby drain?—Yes.
4521. Does it show the level of the Skidby drain?—Yes.
4522. The next is the word “bank;” does that show the bank of the River Hull?—Yes.
4523. Does the bottom of that level show the bottom of the River Hull?—Yes.
4524. The next shows the other bank of the River Hull?—Yes.
4525. Carry your eye on to the Sutton drain?—Yes.
4526. Does that show the level of the Sutton drain?—Yes.
4527. Does it appear from that section of those four drains and the River Hull, that the bottom of all those four drains are deeper than the bed of the River Hull?—Yes.
4528. Can you show how many feet below the bottom of the River Hull the bottom of the Cottingham drain is?—It will be about two feet.
4529. Is it not more than that?—Yes, it will be three feet.
4530. Then, if I understand it right, the River Hull could in no possible case, with its present bottom, empty the Cottingham drain?—No, not at that point.
4531. How much below the level of the River Hull is the Beverley and Barmston drain at its junction?—About the same.
4532. Three feet?—Yes.
4533. How much below the bottom of the River Hull is the Skidby drain?—About a foot.
4534. How much below the bottom of the Hull is the Sutton drain?—About five feet.
4535. Then, if I understand you right, you mean to tell us from that, if the River Hull was perfectly empty of water, it could not empty any one of those drains?—No, it could not.
4536. Is the River Hull the common drainage for all those drains?—Yes, the common outfall for them all.
4537. Into the Humber?—Yes, excepting the Sutton drain, and that is at the North Bridge.
4538. That is in the River Hull?—Yes.
4539. The Sutton drain has had a new cut made for it lately?—Yes; it always emptied into the same place, but it is much below the others.
4540. I think you stated that that was the state of things in 1835?—Yes, to the best of my knowledge.
4541. Did you take those levels yourself?—Yes, I did.
4542. With the spirit-level?—Yes.
4543. Have you any doubt they are correct?—Not a bit; I was never disputed in anything of the kind.
4544. You made them yourself?—Yes.
4545. Owing to those drains being all deeper than the River Hull, the River Hull, which is an open channel, cannot empty them?—No.
4546. How deep do you cut those drains?—It depends upon whether we are upon high ground or low ground.
4547. Do you generally cut them to the level of high water or low water?—Low water. If we are upon level land they are generally reckoned five feet below the surface; that is what we generally reckon.
4548. The River Hull is the common outfall for all those drains?—Yes.
4549. And carries them into the Humber?—Yes.
4550. Have you seen Mr. Rendel’s plan for the new cut?—Yes, I have.
4551. What effect upon the drainages will that new cut, in your opinion, have?—A very good one, I believe.
4552. Would it carry the outfall higher up the river?—Yes; it would carry it up to the dead level, to pretty near the North Bridge.
4553. Would it have a tendency to remedy those defects you speak of here?—It would give great advantage to the drainage.
4554. With reference to the Navigation of which you are the manager, would this new cut give any advantage to vessels going up to the Driffeld Navigation?—Yes, I believe it would.
4555. In what respect?—They fall into deeper water and separate from the larger vessels; there is deeper water below the Garrison Point.
4556. I do not understand what you meant by the dead level being carried



Mr. T. Hamer.

27 June 1840.

up to the end of the cut; just explain that; you say it would benefit the drainage by the dead level being carried up?—It would be cut so deep that the water would flow into it.

4557. It would make the real outfall so much nearer where the drains fall in?—It would be so much lower.

4558. And it would be more rapid and scour the drainage?—It would give them an opportunity of doing so if they thought proper; in the course of time it would scour itself; there would be a fall of three or four feet.

4559. *Committee.*] The cut would be three or four feet below the level of the drains?—Yes.

4560. Mr. *Reynolds.*] Is there a loss of fall in the River Hull at present?—Yes, of a good deal of fall.

4561. How much?—I cannot say myself; I should think, between the North Bridge and the Humber, four feet.

4562. Do you think you can gain all that is now lost by carrying the levels up to the bridge?—Yes, certainly.

4563. That would give them an opportunity of so far mending the river as to the effect of those drains?—Yes.

4564. We heard that a new cut has been made lately for the outfall of the Sutton drain on the high-land water?—Yes.

4565. Somewhere near Warfield?—No, it is the low-land water.

4566. That new cut carries away a great deal of the water that originally went into the Hull?—Yes, the low-land water.

4567. We were told yesterday that the banks of that drain had slipped?—Yes; that is the cutting just above Marfield Clough.

4568. To any great extent?—No, very trifling.

4569. To what do you attribute that slipping down?—I look upon it that it was the scour down from the clough.

4570. There is a clough at the mouth of that drain?—Yes.

4571. Which makes the scour very rapid?—Yes, at spring-tides particularly.

4572. Has that scour deepened the drain?—Yes, in some places from four to five feet.

4573. Is that alteration the cause of the slight slips you speak of?—I believe it was.

4574. They have not destroyed the works?—No; it did not go to any depth.

4575. The drain was made under the inspection of Mr. Stickney?—Yes.

4576. He and you have not been always in the same mind upon these matters?—No.

4577. Notwithstanding that, you do not consider these slips of any consequence?—No; and I do not think they ever would be if there was never a pile put into them of any kind.

4578. Are you acquainted with the craunch at the mouth of the harbour?—Yes.

4579. Were you employed, some two or three years ago, in endeavouring to remove it?—Yes.

4580. How much above the Humber Dock sill was it at the time you undertook to remove it?—I cannot speak to it now; I should think from three to four feet.

4581. How much did you undertake to take off the craunch; did you undertake to remove all, or only part of it?—I think it was within two feet of the sill of the Humber Dock; it was according to the conditions.

4582. What sum were you to be paid for doing it?—I was to be paid 350 *l.* if I had accomplished it.

4583. If it was to be removed altogether, how much more than 350 *l.* do you think it would cost?—I think it would cost a very great deal more.

4584. How much?—£.500 more.

4585. That would remove it all to the bottom, according to your view of it?—Yes.

4586. Supposing the craunch was removed, do you think it would collect again?—There is no doubt it would, in the present run of the water.

4587. Have you been much employed in the neighbourhood of Hull in putting down foundations?—Yes, and in other places.

4588. Did you hear Mr. Rendel's evidence yesterday and the day before, and the day before that?—Yes, I did.

4589. Do

4589. Do you expect, from your knowledge of the locality, there will be any difficulty in executing his works?—No; the new channel gives great advantage to it; you turn out your water there, while it sets other works at liberty.

4590. There will be no difficulty in executing it in the manner mentioned by Mr. Rendel, which you say you heard?—None at all.

Mr. T. Hamer.

27 June 1840.

Cross-examined by Mr. Austin.

4591. What are you in business?—I am agent to the Driffeld Navigation.

4592. These drains, I understand, fall into the Old River Hull above the North Bridge?—Yes.

4593. How much above North Bridge does the nearest fall; in the Sutton drain, is it not?—Yes.

4594. That is close to the North Bridge?—Forty or 50 yards off.

4595. The others fall in at various places above?—Yes, still higher.

4596. That being so, all the water from those drains passes under the North Bridge?—Yes.

4597. As I understood you, the formation of the new cut, according to Mr. Rendel's plan, would facilitate the escape of the water from those drains?—Yes, it would.

4598. By deepening a portion of the Old River Hull between the mouths of the several drains and the new cut?—Yes; deepening it up to the Old Harbour would facilitate the water out of the Old Harbour, and increase the stream.

4599. It would increase the stream?—Yes.

4600. It would let more tidal water in and let more tidal water out?—It would not make much difference in that; it would lower the North Bridge.

4601. Would it not let more water in?—It would come in sooner; our vessels would come in sooner by an hour or so.

4602. Would not the tide water come in sooner and flow longer?—No; it would flow to the same level.

4603. If the tide water comes in sooner, it must have so much longer flow?—Yes, but it comes in very moderate at the dead level.

4604. If it comes in sooner there must be more flow?—It would meet the other tide in the new channel, and meet with resistance.

4605. If it produces any beneficial effect upon the drains, with regard to the exit of the water, would not it be by deepening the old river between where it joins the old river and where the sluices fall into it?—Yes, in the course of time.

4606. Have you any doubt it would scour it out?—It would deepen it considerably; I cannot say to what extent.

4607. Would it deepen it at all?—Yes, at the lower end of it.

4608. If it did not, of what use would the new cut be?—You cut the drain up to a certain point, and you give them an advantage; without it being deepened, they could not give them any advantage.

4609. Why so?—If you do not do that, you do not give them the outfall.

4610. How do you deepen it without deepening the old channel?—This is the new channel.

4611. It does not go up to the drains?—So far as it goes, it will give them an advantage.

4612. No drain goes into the new cut?—No.

4613. The nearest drain goes into the Old Harbour?—There are some there.

4614. Take the Sutton drain?—Yes.

4615. There would be a space between the entrance of the Sutton drain into the harbour and the new cut?—Yes.

4616. Will not that be deepened by the scour?—Yes.

4617. Do you not contemplate that?—Yes; I have no doubt that it will deepen it to a certain extent, and it will raise the bottom level of the new cut to a certain degree, except they have a good scour; for that reason, the fall will not go up so high without assistance.

4618. You say it will deepen the part lying between the mouth of the drain and the commencement of the new cut?—Yes.

4619. Partially, you say?—Yes.

4620. But you say it will fill up that part of the drain unless they get a good scour?—Yes.

83.

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4621. Suppose

Mr. T. Hamer.

27 June 1840.

4621. Suppose they keep the new cut deep, will not the effect be to deepen that part of the Old Harbour between the Sutton drain and the commencement of the new cut?—Yes.

4622. Will not the effect be to deepen it to the level of the new cut?—Not without assistance.

4623. Do you mean by dredging?—I have a floating clough in Grimsby Haven, and I have another in Wanstead drainage, and a simple thing of that kind would deepen it and carry it out.

4624. Is not the part that you contemplate deepening the part of the Old Hull between the mouth of the drains and the commencement of the new cut?—Yes; but they could not do it without a new cut.

4625. You could not do it with the Old Harbour, it is not deep enough?—No; besides, it is full of great stones.

4626. Is it not because it is not deep enough?—Yes.

4627. You would deepen, by means of the new cut, that part of the Old Hull River between the mouth of the drains and the new cut?—Yes.

4628. That is, between the place where the proposed new cut joins it, and above North Bridge?—I do not know whether it would deepen it or not; it would give them an advantage.

4629. If they do not deepen it, what is the use of all this; suppose it was deepened, will you be so good as to tell me what would become of the North Bridge; you must build it over again?—No; I should say that the water would run lower in the North Bridge by three feet than it now does.

4630. What would become of the piers of the North Bridge?—They are about six feet deep.

4631. And it would take away three feet of the soil?—Has there not been stuff put there to support that bridge?

4632. Do I understand you it has been found necessary to support the North Bridge by stuff?—I do not know what the materials are; the stuff might have lowered.

4633. If you were to remove the stuff found necessary to support the bridge, and take away three feet more, what would become of the Old Bridge?—The bridge would stand as it now does; the piers are six feet below the surface of the ground.

4634. Do you think three feet would be sufficient for it?—Yes; the foundation is itself; it supports itself; it is not the land but the piers that support it.

4635. Do you know that the foundation is six feet deep?—I do not know.

4636. You cannot give an opinion?—No.

4637. Are there not warehouses above the North Bridge, on both sides?—Yes.

4638. Will not their foundations be somewhat affected by deepening the bed of the river three feet?—No; I have heard say that the water has been much lower formerly than now.

4639. Is that your reason for making that answer?—I should suppose it must be.

4640. Is that your reason for making that answer, that there is no danger to the warehouses if a deeper level was taken?—Yes.

4641. You are of opinion that there would be no danger to the waterside warehouses by deepening the bed of the river three feet?—I am not certainly, but I think there would be no danger.

4642. What danger would there be in deepening the present Old Harbour all the way to its mouth?—I should suppose there is not; it is their intention to deepen it at the sides.

4643. Tell me the danger of deepening the Old Harbour three feet?—I should think none.

4644. They might dredge the Old Harbour three feet deeper without producing any danger to the warehouses?—I think they may.

4645. If you were to dredge it three feet deeper, would not that give the same facility for the exit of the water of the drains as by the new cut?—No.

4646. Why not?—We could not maintain it.

4647. Why not?—The craunch would always oppose us.

4648. Do you mean to say there will be no craunch at the mouth of the new cut?—I think not; with a little assistance it will always keep open.

4649. What

4649. What little assistance do you speak of?—The flow of the current will take it away.

*Mr. T. Hamer.*

4650. Why should it?—Because it is a direct line of range; there are no jetties, the water keeps in a straight line.

27 June 1840.

4651. What do you call “that bend”?—It is further off; it approaches the verge of the river, and it is not so near the harbour mouth.

4652. Do I understand you to say that if you were to remove this jetty out there, you would be able to get up to the harbour?—It would give an advantage.

4653. If you were to deepen the harbour three feet and remove the jetty, would there not be the same strong current there as through the new cut?—No, because the craunch will always make a stoppage there; the velocity of the stream half a mile off gives some advantage.

4654. The question we have to consider, is to get rid of the craunch; you say there will be no craunch formed, in consequence of the force of the stream?—Yes.

4655. You say, in the Old Harbour it is not deep enough, and the jetty is in the way; why should the craunch form at the mouth of the Old Harbour under those circumstances?—Because the stuff comes down rapidly, and there is a great deal of chalk exposed to the frost, and it falls to pieces, and the quantity of water that comes down the Sutton drain comes down more rapidly than it used to do, and will always carry a great quantity of stuff, and whenever there is a great addition of water there, there will be a great accumulation of these missiles.

4656. The chalk extends miles up the country?—Yes.

4657. Will not it come down the new cut as it does the Old Harbour?—Yes.

4658. Why should not that form a craunch?—Because the channel that comes round the craunch comes round there and is a scour.

4659. That is because the Old Harbour is not deep enough; I am supposing you deepen it?—I am speaking of the channel in the Humber outside the craunch; there is a channel runs up close to the craunch.

4660. Can anything be so clear, if into that deep water you cast the chalk, and it comes down from the North Bridge into the new channel, will not that be filled up?—No.

4661. Why not?—There is a regular run of channel, and it will keep itself clear.

4662. There is a regular run, because there is no flow into it?—It will just go away as it comes.

4663. Why is not it so in the present harbour?—Because there are jetties and points coming out.

4664. I have been supposing you take away the jetty and deepen the Old Harbour; you tell me just now that the Old Harbour fills up because there is a jetty; I say take away the jetty?—If the jetty was taken away there would be an advantage.

4665. Does not it all come to that, that the craunch is more likely to form at the mouth of the Old Harbour in consequence of the jetty. What is the difference between the new cut and the Old Harbour, deepening the harbour three feet and taking away the jetty?—How is the harbour to be deepened without a channel?

4666. I could do it.—It would be a very tedious job; it is not possible to put the locks without making a new channel.

4667. I ask you, suppose you deepen the Old Harbour, which you say can be deepened three feet, and remove the jetty, what greater chance is there of there being a craunch there more than at the new channel?—I will give an answer if I can.

4668. You do not mean to tell the Committee you cannot deepen the Old Harbour without a new cut?—I as nearly as possible come to that conclusion.

Mr. T. Hamer.

27 June 1840.

4669. Are you an engineer?—No, I do not profess it; I have great experience in this matter.

4670. You have much experience in running waters?—Yes, as much as a deal of people; I have had 40 years' experience in muddy water.

4671. Is there any difficulty in deepening the Old Harbour?—Yes.

4672. What difficulty?—Going through the craunch, and taking the craunch out bodily; it would take a large sum of money. If a new channel was cut, they might turn the water through it and do what they like.

4673. What difficulty is there in deepening the Old Harbour?—Very great.

4674. What is the difficulty?—You must take out every bit by the dredging apparatus.

4675. Why cannot that be done?—It is so tedious.

4676. The deepening of the Old Harbour will not affect the security to the warehouses; that you are clear about?—I am not clear about it, but I have no doubt of it; I do not think it will affect them.

Re-examined by Mr. Reynolds.

4677. You told my learned friend there would be great difficulty in deepening the bed of the river without a new cut?—Yes.

4678. And you thought that difficulty would arise from the necessity of putting down locks and other conveniences?—Yes.

4679. That would interrupt the course of the river?—Yes.

4680. Therefore it would be necessary to make a new cut for the water, so that you might not interrupt the navigation or the drainages?—Yes.

4681. How long is it since you ceased to work at the craunch?—I worked as long as I had any money, and when they would not give me any money I gave over.

4682. Is it two or three years ago?—Two years.

4683. Do you know whether it has increased since that time?—I do not know; they have had the dredging apparatus there.

4684. Let me understand what you mean by the advantage the drains are to get; do you mean to say, that by making a new cut, you carry up the level now at the mouth of the river as high as you make the new cut?—Yes.

4685. Consequently the lowest level is by so much nearer the drains?—Yes.

4686. The effect of that fall of five or six feet, is a fall of so many feet in such a distance, instead of so many feet in a longer distance?—Yes.

4687. That will afford those interested an opportunity of lowering the bed of the river above the new cut, so as to enable them to empty the drains which are below the bed of the river?—Yes; it would very much lower the surface water at the North Bridge for the Sutton drain at present.

4688. And give the other drains an advantage?—Yes, in proportion to the distance.

[The Witness withdrew.]

[Adjourned till Monday next, Twelve o'clock.]

*Lunæ, 29<sup>o</sup> die Junii, 1840.*

RICHARD BETHELL, ESQ., IN THE CHAIR.

Mr. John Roberts was called in; and Examined by Mr. Serjeant Merewether, as follows:

Mr. John Roberts.

29 June 1840.

4689. I BELIEVE you are at present in the employment of the Custom-house? —Yes.

4690. And have been so for many years?—Yes, nearly 21 years.

4691. Have you during that time been engaged in the Customs at London, at Hull, at Liverpool and Bristol?—Yes, certainly.

4692. At all of them?—Yes; I was at Liverpool about nine years; at Hull, landing-surveyor, about 11 years; and at Bristol about one year and a half.

4693. Were not you originally in the artillery?—Yes.

4694. When did you leave the Customs at Hull?—I left Hull about a year and a half since.

4695. From thence you went to Bristol, I believe?—Yes.

4696. I would, first of all, ask you a question with respect to Bristol: You are aware that the old rivers at Bristol have been penned up, and they are now made floats?—Yes.

4697. Is there a new cut now made?—Yes.

4698. To the westward of the town?—To the southward, I should say.

4699. Having been at Bristol, and having had an opportunity of seeing the trade there, can you inform the Committee whether the penning up of the water and making the float of the old river has been found to be beneficial to Bristol in a commercial point of view?—Yes, decidedly so: there is room there to discharge 80 or 90 timber ships; and the remainder of the port, where the wharfs are, might take all the rest of the East and West India trade.

4700. You are acquainted with those places called the Backs?—Yes.

4701. They are wharfs below the float?—Yes.

4702. Are there warehouses at the back of those wharfs?—Yes.

4703. Is it very advantageous for the ships being always afloat?—Yes.

4704. Is it advantageous to the town and the people belonging to the warehouses?—Yes; because all those warehouses that lie contiguous to the float are occupied more generally than those scattered about the town.

4705. All the cartage and expenses of that kind are avoided by it?—Yes, of course. The float at Bristol is nearly a mile long; it is not called a dock; part of it has mere banks, like a canal, and near the town it is walled up.

4706. And it brings the vessels up into the heart of the city?—Yes.

4707. They lie above and below the drawbridge to Clifton?—Yes.

4708. And the vessels come up close to the stone bridge, and lie there?—Yes.

4709. Have you had an opportunity of seeing the manner in which the timber is discharged at Bristol; is it discharged into the float?—Yes, the whole of it.

4710. Is it there measured?—Yes, it is there measured.

4711. In the same manner as it is done at the old dock at Hull?—Not exactly; it is delivered afloat in the same manner as at Hull.

4712. The same opportunity of measuring, and so on, in the float?—Yes.

4713. At Bristol is the timber drawn up by slips?—Yes; they have slips there, but not a great many; frequently the timber is floated away; it goes up the river. It is the case with the American timber, particularly so; the duties are small, and they do not bond it; it goes up into, the interior of the country.

4714. I believe the American or colonial timber is subject to a very small duty?—Yes, 10s. a load.

4715. You find, practically speaking, that the duty is paid, and the timber is not bonded?—No; it is not worth while to bond it.

4716. The other timber has a larger duty to pay?—Yes; the Baltic timber pays a duty of 2l. 15s. a load, and it is the interest of the merchant to bond it, the duty being heavy.

4717. Do they draw up any timber and stack it at Bristol?—Yes; they are continually drawing it up and stacking it, particularly the Baltic timber.

Mr. John Roberts.

29 June 1840.

4718. When it is so drawn up and stacked, is it found convenient for the purpose of purchasers seeing it and judging of the timber?—I should say more so than in the float; the purchaser can see the ends and the sides of it.

4719. As far as you have seen at Bristol, is it not a convenient mode of dealing with the timber to take it by the slips out of the docks and pile it up, and leave it for the purchaser to examine?—Yes, the Baltic timber is done so; it is generally taken into the timber-yards, and piled 20 or 30 feet high; they are not in very large pieces.

4720. How high do they do it?—They can pile it to almost any height with timber handspikes, running it up slanting pieces of wood; it is so very small, running from 11 to 12 and 18 inches square.

4721. You state you were also an officer at Liverpool; for how long?—Nine years.

4722. Was it before you went to Hull?—Yes.

4723. How was the timber principally discharged there?—By horses.

4724. Discharged into the dock?—No; at Liverpool, they have a great many slips where the team goes down; the timber is put out of the fore part of the vessel, or the stern; they have holes for the discharge at each end, and it is drawn up by horses.

4725. Are there any timber ponds at Liverpool?—Not one, when I was there, and I can prove there are not any now; I have asked Liverpool gentlemen, and they tell me there are not any now.

4726. The whole of the timber is drawn up by those slips, and piled?—Yes.

4727. The same manner as it is at Bristol?—Yes.

4728. Having seen this mode of dealing with timber practically applied, both at Liverpool and Bristol, tell me whether you think the same system might not be beneficially applied at Hull?—Yes, I have always thought so; I think there is a great deal of delay at Hull, from there not being slips at the north side of the old dock; slips might be made, and the timber drawn up, and there would not be the confusion there is now in the old dock.

4729. You know the old dock, well?—Yes.

4730. There is only a legal quay there on one side?—Yes.

4731. And on the other side sufferance goods are allowed to be discharged?—Yes.

4732. And the timber is confined to the north side?—Yes.

4733. Do you know the width from the edge of the basin?—I do not know it; but there is a very great width, quite wide enough for slips.

4734. Are you satisfied there is room enough for slips, and for the management of the timber, and drawing the timber up?—Yes.

4735. Could the timber be easily piled and stacked at the north side of the dock?—Yes.

4736. If the ground was adapted for it, would there be sufficient accommodation there for the timber trade of Hull, if the same plan was resorted to?—I should think for nearly the whole of the Baltic timber, or the whole.

4737. You state, for the reasons you have given before, that only that timber is wanted to be bonded?—Yes, they have sometimes bonded the colonial timber; they pass the bonded entries till they can sell it, and frequently it remains in the dock a long time, though they never intend to warehouse it.

4738. You were going to make some observation as to the docks at Hull; you were going to express some opinion as to the dock at Hull?—At Hull there is a very bad arrangement with regard to the docking of vessels. At Liverpool, the harbour-master, who is over the dock-master, has a code of laws or instructions, and every master coming into port knows what he is to expect; but I am sorry to say, that, at Hull, the dock-master will allow vessels that have been discharged, large vessels of 400 tons burden, to lie alongside the quay, when vessels coming in with goods from foreign parts have not been able to find berths.

4739. When I asked you, just now, a question about the timber at Hull, we have been told there is very large increase in the timber trade of Hull, do you know any thing of it; perhaps you can tell me when there was any very large importation at Hull?—In the year 1825 there was the largest importation ever known in the kingdom.

4740. Since that, has there been any very great increase at Hull?—There has never been such a large importation as in the year 1825, as can be proved by any of the timber-merchants.

4741. You

Mr. John Roberts.

29 June 1840.

4741. You know the increase of the trade generally at Hull; has that been an increase in which the timber trade has shared?—No; I should say that the Hamburg trade has increased a great deal more in proportion.

4742. Is it chiefly in wool?—Yes, and a great many other goods.

4743. Has the increase been considerable in corn?—Yes.

4744. And the timber trade has not increased to the extent that those other trades have?—No, certainly not.

4745. Have the goodness to tell me what is the most important trade to be considered at Hull, with respect to the docks?—I should say the Hamburg trade, most decidedly.

4746. A great deal of that trade used to come to London?—Yes.

4747. Has a considerable proportion of that trade now gone to Hull?—Yes, on account of Hull being so near the places of manufacture.

4748. With respect to the steam-boats; have they increased much at Hull?—Yes.

4749. In your estimation, which is of the greatest importance, at Hull, accommodation for the steam-boats, or increased accommodation for timber?—I should say, taking into consideration the Hamburg trade, which is chiefly in steamers, that a large basin at Hull is very desirable for steamers.

4750. I was asking you a question of the relative importance with respect to timber; which should you say was of the greatest importance, further accommodation for the steam-vessels, or accommodation for the timber?—I have not the least doubt that the steam trade, taking the Hamburg trade into consideration, is of the greatest importance to Hull, taking into consideration the passengers that they bring.

4751. Having stated there is only a legal quay on one side of Hull, have the goodness to tell me whether frequently that involves the necessity for shifting the ships from one side of the dock to the other?—Yes, it does.

4752. Explain the inconvenience that arises from it?—The sufferance articles are only about 30 or 40 in number; they are generally articles that do not pay very high duties, except two or three, and the legal quay articles cannot be discharged at the east side of the docks, not only the old dock, but the Humber Dock, and the Junction Dock; they have none of them legal quays, but on that side, and those vessels that have sufferance articles on board must either put them into a boat, or the vessel be brought to the legal quay side of the dock, which causes great impediment to the trade. At Liverpool all the docks are legal quays, every side of the dock.

4753. Have the goodness to tell me whether a great portion of the ships that come to Hull have not mixed cargoes?—Yes, generally mixed cargoes.

4754. Do those ships want to move from warehouse to warehouse to deposit their cargoes?—Yes, or they must be put into a lighter and sent to the different warehouses, or by cartage.

4755. That involves great expense?—Great expense and delay.

4756. With respect to the lighters; is it accompanied with danger from going into the Humber?—Yes, in winter time, sometimes.

4757. And some delay from postponing it in consequence of rough weather?—Yes.

4758. Have you found, practically speaking, that the thing wanted for Hull is a due arrangement for warehouses, and accommodation for vessels that bring mixed cargoes?—Yes, certainly.

4759. Does that apply as well to mixed cargoes exported as well as imported?—No; because a vessel taking in goods outwards would not have to move; they would bring the whole of the goods down to her.

4760. Suppose she was lying in the old harbour; if that was made into a dock, might not some of the expense be saved on moving the articles?—Yes, certainly.

4761. Bearing in mind this difficulty and the inconveniences; in your judgment would that be a great advantage to the town?—Yes, decidedly; I have always had that opinion, and stated it seven or eight years ago.

4762. Did you ever consider it with a view of suggesting any plan?—Yes, I have frequently mentioned it to merchants at Hull.

4763. That is as long as eight years ago?—As much as nine years ago I have mentioned it.

4764. I asked you before, with respect to the timber, and the quantity that



*Mr. John Roberts.*

29 June 1840.

could be accommodated on the side of the old dock; do you know the timber-yards up above the river at the North-bridge?—They do not come under the cognizance of the Customs; I do not know the number, but there are timber-yards that might be converted into ponds.

4765. Do you know the one that was taken by the Railway Company?—Yes; that was on the west side.

4766. Do you know the bonding-yard, that is where the old gaol used to be?—I do not know that it is made a bonding-yard where the gaol was.

4767. But it is a large site there?—Yes.

4768. Did you know the bonding-yard for a considerable time unoccupied on the eastern side of the harbour?—Yes, it belonged to a Mr. Dalton.

4769. That was unoccupied a considerable time, till the timber pond was taken by the railway?—Yes, as much as two years.

4770. I have drawn your attention to this question, as to the conveniences for the timber at Hull; tell me first, in your judgment, whether a new dock exclusively for the use of timber is necessary at Hull?—No; I should say not; taking into consideration the making of the old harbour a dock, I should say that the harbour would be so relieved, as well for sharp built ships as foreign, who will not go in now, as they are obliged to lighten their goods; if that was made into a dock, the docks would be relieved of a great many vessels, and if a basin was made for large steam-vessels, the docks would be greatly relieved, and sufficient dock room afforded to carry on double the quantity of trade.

4771. Without any dock being made expressly for the timber?—Yes; the old dock would be used for almost timber only.

4772. Bearing that in mind, do you think there would be—bearing in mind also many vessels having mixed cargoes,—would there be any practical benefit in the timber trade being separated from the other trade?—No; not if you had room to do it in any particular dock.

4773. On the contrary, as far as ships do bring any thing besides timber, or carry out any thing besides timber, would it not be an advantage that the trade should be concentrated together?—Yes, it must be better for the merchants, and for the Custom-house officers, and for the purchasers, to have all as it were within a ring fence, the more you concentrate the thing and keep it near together.

4774. You know the Humber Dock; we are told that the St. Petersburg and Hamburg trade lies right and left of that dock on entering?—Yes, it does.

4775. On the east side of that dock the steam-boats are?—Yes.

4776. Have you any opinion how many steam-boats will occupy that dock?—The south-east corner of that dock is reserved for the export trade, small brigs taking in goods.

4777. How many steamers would occupy the whole length of that quay?—Three or four large steamers, with the exception of that place reserved for the export trade.

4778. Is it also your opinion, that if those steamers were in a basin that it would have a strong tendency to relieve the dock?—Yes.

4779. On the opposite side of the Humber Dock, what ships lie there?—Other ships lie there discharging timber; there is a timber-yard there; it is also occupied for the export trade for St. Petersburg.

4780. I think I understood that in the Junction Dock neither the gates are so wide, nor the gates or the dock itself so deep, as the other dock?—No.

4781. So that it is occupied by the smaller vessels?—The steamers cannot go in.

4782. Are they chiefly foreign vessels?—Yes; vessels with bones and linseed and corn.

4783. Have those articles generally increased much of late years?—Yes; the bone trade very much indeed, and I think it would be very desirable to have the bones out of the dock to discharge them into a good large basin.

4784. Are the sufferance goods often mixed in the same cargo with other goods?—Yes, most frequently.

4785. With respect to the old harbour, if it is turned into a dock, do you imagine that the sides of that dock would be very useful for legal quays?—Yes; then you would discharge the whole of the cargo; the vessels would come and be afloat; and, with the communication from the old dock to the contemplated harbour dock, you would have the finest port in the kingdom.

4786. From

4786. From your knowledge of what the Customs wish to do, do you apprehend that the Customs would be disposed to favour the establishment of legal quays there?—Yes, upon proper application after the dock was made.

4787. On which side?—The west side of the old harbour.

4788. Would that be most convenient for legal quays?—Yes; because the warehouses are there.

4789. Would it be a great advantage that there would be a direct communication with the town?—Yes; decidedly it would.

4790. There is no doubt of it?—No; upon a proper application to the Customs, I have no doubt that they would grant it.

4791. Supposing those were made legal quays, and the old harbour converted into a float in the manner we have mentioned, would that tend very much to the despatch of business in the harbour?—Yes; for instance, if a man brought over a chair or a table, he cannot discharge it in the old harbour, he must take it round either to the old dock or the Humber Dock. If a vessel from the Mediterranean should bring sulphur and fruit, which is usual, his fruit must be discharged at the legal quays, and the sulphur on the east side of the old harbour, or he must go round.

4792. Through the Humber?—Yes, or through the old dock.

4793. Having told me your opinion of the present mode of carrying on the trade at Hull, in the old docks, and having fully considered the advantages of the old harbour being converted into a float, let me ask you a few questions with reference to the plan suggested for a harbour to the east of the citadel; have you seen it?—Yes.

4794. Allow me to ask you whether, supposing there was a dock placed there where Mr. Walker proposes, east of the citadel; in your judgment would it be a convenience or inconvenience for the general trade at the port?—I should say very inconvenient to it, particularly so.

4795. State what will be the practical inconveniences resulting from the dock being put to the east?—In the first place, I would observe, from the great distance of the new dock from the Custom-house, there would be a very great delay in the officers going to their stations and returning, for the officers assemble for the discharge of ships at six in the morning; they break off at eight again, and go to breakfast, and go on at nine; they break off at half-past 12 for their dinner; they are allowed one hour and a half for their dinner, and they return again at two; and, consequently, being at so great a distance in the morning there would be half an hour or three quarters lost in getting to the docks (half an hour at least) and in returning again; there would not be time for them to take their breakfast, and the same thing again at the dinner hour.

4796. Then, with respect to the ordinary arrangements of business, you conceive there would be great practical inconvenience to the officers?—Yes; and great delay and inconvenience to the merchants as well as to the purchasers going so far.

4797. And, in your opinion, the distance of the dock would be a great objection?—Yes; and I think it could not be altered; it has been tried to assimilate the hours to Bristol; the merchants have objected to do so; they say that the men cannot work so long without refreshment, and therefore they commence business at that early hour, and it is also owing to the tide.

4798. *Committee.*] What are the hours?—From six to six for about eight months in the year, and at Bristol from eight to four in the summer; the same in London, and the same in Liverpool.

4799. All the year round?—In the two or three winter months it is from nine to four.

4800. Mr. Serjeant *Merewether.*] You say attempts have been made to alter the hours, but the merchants object to it?—Yes, the great body of merchants.

4801. You mean that the men will have to go over the North-bridge, and go round to the east of the citadel?—Yes.

4802. Have the goodness to tell us whereabouts the Custom-house is at Hull?—It is in Whitefriars-gate; a very central situation; very central to the present trade.

4803. It is rather nearer to the Junction Dock, is it not, and the old harbour, speaking across?—Very little; I should say down Scale-lane it is equally distant from the Junction Dock and the old harbour; it is a little nearer the Junction Dock.

83.

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4804. A little

Mr. John Roberts.

29 June 1840.

*Mr. John Roberts.*

29 June 1840.

4804. A little nearer the old dock than the Ferry-boat Dock?—Yes; you could not have it in a much better situation; I consider that the great objection to the distance of the contemplated dock would be after the merchants have paid their duty; if a vessel had 600 casks of tallow on board, as soon as 40 are landed they demand a landing-waiter, and continually the merchants are paying their duties, and there would be great delay in sending the warrants down to discharge their goods from that distance, unless they had a new Custom-house there too.

4805. It will produce inconvenience to all?—Yes; and great delay to the merchants; if you can get the warrants in five minutes, and it is half an hour the other way, there is great delay.

4806. And that expedition facilitates the discharge of the vessel?—Yes, no doubt.

4807. What is the probable effect, supposing a dock was placed there, with respect to the necessity for more Custom-house officers?—There must be a great many more Custom-house officers, particularly tide-waiters; for, at the different docks at Hull, one tide-waiter is boarded on a vessel, for foreign ports; there are two always boarded in the old harbour, which would be obviated if it was made into a dock; then it would be necessary, whenever you lighter goods from this new contemplated dock to either of the other docks, or the old harbour, you would have to apply for a tide-waiter in each case; as there is only one officer boarded on the vessel, you could not take him from the ship, and you would have to send to the tide-surveyor's office to get an officer for each lighter.

4808. That is the case as to tide-waiters?—Yes.

4809. Would any additional landing-surveyors be necessary?—Yes, one additional landing-surveyor.

4810. Why?—From the very great distance from the Custom-house; there are at present three; the stations are so divided, you would require another; the landing-surveyor has to settle all the fares; and I do not think that the man who took the old harbour could take the new dock, and the merchants would have to wait; also an additional tide-surveyor.

4811. Just explain the reason of that?—The tide-surveyor has to board ships, and to superintend the tide-waiters, to see that they are guarding the ship and do minute their books. He visits the dock twice a day.

4812. He has a boat for that purpose?—Yes, for the river, not for the dock.

4813. In your judgment, would another tide-surveyor, with a boat, be necessary, if this new dock was placed in the place proposed?—Yes, a boat would be a great convenience to him, or he would have to walk round to the end of the road; a boat would be absolutely necessary for him.

4814. Having drawn your attention to the course of the Customs, with respect to the warrants, and these different officers, with reference to Mr. Walker's dock, to the east of the citadel, just explain to the Committee the comparative advantage, or how much of this inconvenience will be avoided by the old harbour being turned into a dock?—It will be a great advantage.

4815. Supposing the old harbour is converted into a dock, would those inconveniences with respect to warrants or the necessity for those officers arise?—No, you would save the Crown a vast deal of officers by it; there are at present two boarded in the harbour, and if it was made into a dock, you would only want one in each ship.

4816. Will you tell me where the Post-office is?—It is the land at Green Ginger, I believe it is called.

4817. That is again quite in the centre of the town?—Yes, quite so.

4818. I believe all the banks and the public offices are in the midst of the old town?—Yes.

4819. And the Dock-office?—That is at the north end, and the Pilot-office at the south end.

4820. That would be very close to the old harbour?—Yes.

4821. Will not the old harbour be convenient to all the public offices?—Yes.

4822. Are the principal hotels at Hull all within the old town?—Yes, decidedly, the principal ones.

4823. You said it was very important that the steamers should have accommodation at Hull; supposing that Mr. Rendel's basin for steamers is placed where

where it is, will that afford a convenient access to all the places of public resort? —Yes, no place so good.

4824. Supposing the steam-boat passengers were put down at Mr. Walker's dock, would not that be very inconvenient?—Yes, very; I do not apprehend that the steamers would go there with passengers, if they could avoid it.

4825. Do you happen to know that one of the principal things complained of at Hull is the great difficulty of landing passengers?—Yes, I have heard it often complained of.

4826. They are often landed from lighters?—Yes, it is often done; and I have seen people fall off the planks on going on shore.

4827. You know the basin Mr. Walker projects on the east side of the citadel?—Yes.

4828. We understand that south and south-west winds are extremely prevalent, and that they cause a rough sea in the Humber?—Yes, very much so; they are the prevailing winds.

4829. Supposing a ship to go into this projected dock, and it was necessary for lighters to come out from thence into the Humber to take the goods to the old harbour or to either of the other docks, do you conceive there would be considerable impediment to their doing it in the winter months?—I have known that for days it might be impracticable to do it, or they must be different lighters to what they are; they must have decked vessels, and have steam-tugs to bring them out.

4830. Are many of the goods that are taken there such as would be damaged by the weather?—Yes; those vessels that come from the Baltic often bring linseed and feathers and bristles, which is a very perishable cargo.

4831. Do they often bring a cargo of that description?—Yes.

4832. That would afford a very great impediment to the trade?—Yes; I should conceive, without a canal, the dock would be useless, except as a timber pond.

4833. *Committee.*] By the canal you mean the communication with the old river?—Yes.

4834. Mr. Serjeant *Merevetker.*] Because there would be no direct communication with the old dock or the river?—Yes.

4835. Still, in your judgment, would it be an inconvenient position for a dock?—And very inconvenient with the canal; from the knowledge I have of the trade of Hull, and the different lighters that go to Driffield and Beverley with manure, I should say with the large rafts of timber and other vessels would so crowd the old harbour, that it would be impossible, for days together, to get a loaded ship berthed. It is so now; you cannot get them to their berths.

4836. You say, if there is a transverse communication from this new cut across the old dock to get into the old harbour, and there was much traffic there, it would much impede the navigation?—Yes, it would be a great obstacle to the trade, so many ships and lighters going in; and if you had a new cut made, the barges with manure would not be allowed to go into it; for it is well known to the merchants that on the east side there is a great nuisance, for the manure is brought there, and put into the lighters, and carried up; and if you have a new cut, you would have constantly the manure put into the lighters, where it is a very great nuisance.

4837. That is a matter of very great inconvenience?—Yes, it is; for frequently I could not get by without getting up to my ankles in the worst species of manure.

4838. With respect to the position of this dock of Mr. Walker's on the east of the citadel, is there any comparison between the two?—No; as an unprejudiced person, having no interests to serve, I should say that 99 men out of 100 would say that the old harbour is the position for a dock.

4839. Have you, directly or indirectly, in this inquiry, any interest whatever?—No; I come here a very reluctant witness; I have many old and kind friends at Hull that my evidence may be much against; and I had rather not have been brought up.

4840. Had you the permission of the Customs to attend?—Yes.

4841. It has been suggested that, in converting the old harbour into a dock, the execution of that work would be much more serviceable by having a new cut for the river?—Yes; you could not make the dock without.

83.

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4842. From

Mr. John Roberts.

29 June 1849.

*Mr. John Roberts.*

29 June 1840.

4842. From what you have seen at Bristol, do you apprehend any difficulty in making the change?—No.

4843. Do you know enough of Hull to say whether it would be an advantage to the navigation?—No; that is not within my knowledge at all.

4844. Have you any means of forming any judgment upon the drainage?—No, not the least.

4845. What office do you hold at the Customs?—Landing-surveyor.

4846. With respect to the trade of Hull, some must be carried on in vessels that would not want to go into the docks; would the new cut, from its position, be convenient to those vessels?—The Customs would not let vessels go into the new dock, except lighters and vessels with goods paying no duty.

4847. But for the river craft, would the new cut and basin be an advantage to them?—Yes, no doubt; because it would not interfere with the other trade of the port.

4848. You have spoken of the convenience that a good basin for the accommodation of steamers would be to them; have you looked at the plan, and seen where Mr. Rendel has placed it?—Yes, I have; and Mr. Sanderson, if he is here, is aware that many years ago I stated my own opinion that a basin should be made for larger steamers, similar to the plan I have now seen. I was for knocking away those wooden piers which they have thrown out in a semi-circle, because I have seen so many accidents from ships going in and knocking away their bulwarks.

4849. You suggest the removal of those wood piers?—Yes; and to carry out the piers farther, and have a breakwater to keep off the roughness of the Humber.

4850. The ships are often damaged there?—Yes, from the narrowness of the entrance, I have seen many ships damaged there.

4851. Have you examined Mr. Rendel's plan so as to be able to speak to it?—Yes.

4852. Yours was of the same description?—Yes; I see there is a plan to widen the gates into the Humber Dock that I never thought of. I thought if you made a large basin, it would be sufficient to enable the large steamers to discharge without going into the dock.

4853. You did not think that an increased entrance into the Humber Dock would be necessary?—No; I did not see the necessity of it.

4854. At present the Hull river flows nearly to the point where this basin would be for the steamers?—Yes.

4855. As it is at present?—Yes.

4856. Supposing it was very desirable to make that spot a basin for steamers, in your judgment could it be well employed and kept as a basin for that purpose if the old river was allowed to flow down and bring its deposit?—I should imagine there would be water sufficient.

4857. I am supposing the basin to be made where Mr. Rendel suggests, and the river not diverted but still to come down there?—I should expect it would accumulate there; there is such a load of rubbish and stuff, it would be unavoidable.

4858. Then do I understand that the plan of making a very desirable basin could not be effected so well as by damming up the river?—Very likely; but it is an engineer's question, and I wish only to speak to facts; I have not given my attention to it.

4859. I have before asked you with respect to the comparative nature of the timber trade at Hull, and you have spoken of the inconveniences of the position of the docks suggested by Mr. Walker; have you any idea of any thing connected either with the timber trade, or with any effect it would produce by altering the timber trade, as to make it desirable to put the docks so far from Hull as Mr. Walker suggests?—I should think that it would not answer to put the timber dock there; it is a very great expense. If the old dock could be relieved, which I think it might, by having the harbour converted into a dock, and a basin for the steamers, then the old dock would be applicable for the timber trade only.

4860. If Mr. Walker's dock was made without a timber pond, it would be only the same thing over again?—Just so.

4861. Do you conceive there is any advantage in that respect in making a timber

timber dock so far from the town?—No; I think the merchants would not have their cargoes discharged there. *Mr. John Roberts.*

4862. You say 1825 was a great year for timber?—Yes; any of the timber trade will explain that. 29 June 1840.

4863. Under those circumstances, can you conceive any thing much more inexpedient than to expend such a sum as 21,000 L., besides the cost of the land, in making the timber pond projected by Mr. Walker?—No; if you can make the old dock available for timber you would have sufficient room.

4864. Your opinion is, there is not this necessity for a dock beyond what the old harbour would afford for timber?—It is.

4865. Supposing any place for timber should be wanted, have you observed the fore shore that lies between Mr. Rendel's projected basin to the new cut and the projection of his piers for converting the old harbour into a dock in front of the citadel?—Yes, I know it.

4866. Supposing it could be made into a timber pond, do you think it an inconvenient position?—For the deposit of timber it would be of very little consequence; I do not know how ships are to get in; I do not think that the Board of Ordnance would let ships go in.

4867. Have the goodness to look at that plan; is there a basin at the southern extremity of the new cut?—Yes.

4868. Look at the basin also up at the southern part of the old harbour; I am speaking of the piece of land between those two points in front of the citadel; would there be any difficulty in shipping discharging their timber when lying in that basin, and by slips taking it into that place if it was a pond?—No, I should say not.

4869. Or if it was silted up and became firm land, would there be any difficulty in hauling the timber up there by the slips?—No.

4870. Will not the timber lying there be in a most advantageous situation for vessels to take it out?—Yes, if they did not want to get up the Hull with it.

4871. Supposing there are slips communicating with the basin to the south of the new channel, would there not be a fit opportunity of sending the timber into the new channel?—Yes.

4872. Can you conceive a more convenient position?—No; it is very convenient at present; if the timber trade was in the old dock they could go into the Humber or up the Hull.

4873. Supposing beyond any thing you have yet seen an increase of the timber trade, if such a thing becomes necessary, would not that be a convenient position?—Yes.

4874. Do you happen to know the quantity of that land?—No; I have heard it since I have been here.

4875. Do you think it would amount to 17 acres?—I cannot say; from 15 to 17 acres, I have heard.

4876. You know how timber is usually bonded and secured; would there be any difficulty with piles and booms in front of that ground to make it a safe and secure bonding pond?—No, certainly not; because the Board have withdrawn the strict regulation as to wood, and they will allow a yard to be bonded if the fence is 12 feet high, and not above an inch apart, that is for deals, but for timber it would merely require piles to be driven in, and it would be approved of as a timber pond.

4877. That cannot be a very expensive operation?—No, I think not.

4878. Could not sloops easily ship timber from that pond, either on the west end of it, or at the eastern end of it at the basin?—Yes.

4879. Through the sluices?—I should say so.

4880. Are you acquainted with the garrison at Hull?—Yes, I know the situation.

4881. I perceive on the northern part of it a large building called the arsenal, that used to be employed for the deposit of arms?—There is a place at the north-east corner that was a deposit of arms.

4882. There was a large quantity there?—Yes.

4883. Are they all removed?—I understand they are nearly all gone; they had two or three hundred thousand stand of arms at one time.

4884. They are gone?—Yes, I understand they are; I have heard so.

4885. The magazine for the powder is a little to the south-east of that?—Yes, it is.

83.

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4886. Between

Mr. John Roberts.

20 June 1840.

4886. Between that, there are the officers' quarters and the soldiers' quarters; do you know whether there are quarters there sufficient for the officers of the regiment, or do they get lodgings in the town?—When a strong dépôt comes into the town, the officers are obliged to get lodgings in the town, I believe; I have known them have lodgings in the town frequently.

4887. Do you know the building at the south-west corner?—Yes; the block-house, kept for entrenching-tools, wheelbarrows, handspikes and spades.

4888. With reference to this place, which is the most important side of the citadel for any impediment to be put; the eastern side?—What impediment?

4889. Supposing a dock made with ships in it, on the eastern side?—The land side, you mean?

4890. Yes; there would be an impediment afforded to the range of the guns?—Yes, it would be an impediment, certainly; if an enemy landed on the other side, the ships' masts would screen them: it is the natural operation.

Mr. Hildyard objected to the line of examination.

Mr. Serjeant Merewether was heard in support of the examination.

The objection was withdrawn.

4891. In your judgment, not being unacquainted with these matters, do you think that converting that fore shore in front of the arsenal into a timber pond would be productive of any mischief or impediment to the arsenal?—I consider if the Ordnance were in any danger from the invasion of a foreign enemy, they would not allow any thing to be in front or in the rear of it; if piles were driven in front, it would be a protection to the enemy; but I think the Ordnance have given up all idea of that, from the conversation I have had with the major of the garrison.

4892. But the timber would not be so great an impediment as the masts of the vessels?—Certainly not.

Cross-examined by Mr. Hildyard.

4893. If I rightly understand the purport of your evidence, you think that Mr. Walker's is an ill-conceived project, and the project of our opponents is a well-conceived one?—I certainly think that the old harbour made a dock is very superior to any other plan.

4894. Something rather more than that; you seem to think that Mr. Walker's is an ill-conceived project, on the grounds you have stated?—Yes, I do, on the grounds I have stated.

4895. And you think the other a well-conceived project?—Yes.

4896. And you also stated you thought that 99 out of 100 unprejudiced men would be of the same opinion?—Yes.

4897. Are you a little staggered when I tell you there are 27 petitions upon this table from different parties connected with the trade of Hull, and one only of which takes the view you take?—Are they disinterested parties?

4898. My learned friend corrects me, and says there are three out of the 27; assuming he is right in that particular, are you staggered in your opinion, when you find, out of the 27 petitions, but three are petitions against the preamble and against the Bill?—No, I am not; because I consider that the parties are interested.

4899. If I tell you one of those are the Corporation of the town of Hull, which expresses itself decidedly in favour of this measure, does that shake your opinion?—No, not upon the statement I have made.

4900. Do you think that the Corporation of the town of Hull, under the new Act, does not embody the opinions of the town of Hull?—I do not know what they embody; they may have interest as a Corporation.

4901. Do you not know that the Corporation have property on the bank of the old harbour?—I do not know the members of the Corporation.

4902. Have not the Corporation large dues, the amount of which varies with the prosperity of the town of Hull?—Yes, they must have dues; they are collected through the agents of the Custom-house; I do not know what they are.

4903. If I tell you that another of those petitions, that expresses itself in favour of the plan of Mr. Walker, is from the Chamber of Commerce, does that or not stagger you in the assertion that 99 out of 100 unprejudiced persons are in favour of Mr. Rendel's plan?—I will explain why I say it does not stagger me; if you bring merchants from Liverpool or Bristol, they could tell, looking

at



at the place, the beautiful nut-shell it lies in in a moment; they would all say in favour of the old harbour, as not connected with the harbour. Mr. John Roberts.

29 June 1840.

4904. Do you not think that the merchants constituting the Chamber of Commerce are more conversant with the wants of the port of Hull than the merchants of Bristol and Liverpool and other out-lying ports?—No; I do not consider that the parties you allude to are really interested parties.

4905. Do you happen to know that the Trinity House at Hull is deeply interested in the prosperity of the town, from the fact that they collect large dues from the trade?—Yes, they do.

4906. Does it stagger you when I tell you that the Trinity House approve of Mr. Walker's plan?—It does not, because the members who compose the Trinity House are interested.

4907. Have they not property upon the side of the old harbour?—I cannot say.

4908. Does it stagger you when I tell you that, of the 25 persons subscribing to this opposition, there is not one person who has not property upon the harbour side?—Yes, they are interested.

4909. Does it stagger you that there is not found a name of one merchant connected with the town, except as connected with the harbour-side property?—No, it does not stagger me one iota.

4910. Mr. Serjeant *Merewether*.] In your judgment, would an additional register-office be necessary?—Yes, I should say so; the distance is too great for the business to be carried on without it.

4911. Mr. *Hildyard*.] You were called here to tell us that the river at Bristol had been converted, as you properly said, after some examination, not so much into a dock as into a float; they have dammed up the stream of the river for a considerable distance; you stated the distance was a mile?—I said, I thought it was.

4912. Is it not more than two miles, without reference to the branch that extends into St. John the Baptist?—I do not know where St. John the Baptist is; the ships discharge as far as the bridge leading out of Bristol. [*A Map of Bristol was handed to the Committee.*]

4913. I believe the river is made navigable for the whole of the trade?—O, yes.

4914. And there is a branch running from the main line up into St. John the Baptist?—I do not know the name of it, but at the drawbridge there is a branch.

4915. During that long reach it is made navigable, and embraces the whole trade of the town?—Yes, the whole of the foreign trade.

4916. The new cut comes very near to an important part of the town, and is convenient for the trade of that part?—I know the new cut; I should say nothing but river sloops go up that cut, or but very seldom.

4917. Do you think that the circumstance that the river is made navigable to that great extent, to the extent that takes in the whole of the trade of the town, does not give that project a very great advantage over a project of this description, which proposes only to make a portion of what was the old harbour navigable?—It is so far a greater advantage, that they have no other place to discharge; at Hull they have.

4918. Would it not be a great advantage to Hull if you could carry the harbour a great deal above the bridge into Sculcoates and Wincom-lee?—That I cannot deny; but I think this is enough for the trade of the port.

4919. I rather think that in the floating-dock at Bristol there is ample space for the timber-yards you speak of?—Yes; they might do double or treble the quantity of timber trade they have.

4920. The facilities afforded by the vacant space by the side of the floating-dock are sufficient to carry on a very large trade in timber?—Yes.

4921. And it is very essential, in order to sort timber, particularly Canadian timber, that there should be room to sort it before the sale takes place?—I do not know that they sort the timber in the docks; it is fast bound together, and I do not know that it is sorted in the water.

4922. I am speaking of the deals from North America; they are of different sizes?—Yes.

4923. Is it not necessary that they should be sorted?—Yes, they are generally sorted as they go on; it does not require much space.



Mr. John Roberts.

29 June 1840.

4924. With reference to the timber, did not you express your opinion, that, if a dock is conducted by slips at the side of the dock, it may be doubtful whether a timber pond is necessary, that you may stack it upon land?—Yes; I say that from the experience I have had at Liverpool.

4925. You give Mr. Walker credit for having devised and intended to make slips in the side of his new dock-wall?—I did not observe it.

4926. Then, in your opinion, if he has done so, and made provision for ship-yards, you think he has done what is best adapted for the trade?—Yes; but the trade can speak to that better than me.

4927. The timber trade and the lumber trade of Hull form a very extensive trade?—Yes, very extensive.

4928. There is a considerable trade in British plantation timber?—Yes.

4929. That is the timber for which, you say, there is the least necessity to make provision, from the small duty; it is shipped to its destination quicker than the other?—Yes, certainly.

4930. We have been told that three-fourths of the timber trade is carried up the Trent and the Ouse?—Yes, I believe so.

4931. There is also a portion of the other fourth goes out of the mouth of the Humber, and goes coastwise?—Yes, it may be so; I do not know the extent of it.

4932. With respect to the timber that is going up the Trent and the Ouse, do you consider the locality of Mr. Walker's dock a better locality than the old dock, with reference to nothing but the convenience of that trade?—No; I should say that the old dock is more convenient a great deal.

4933. Be careful; you are a Custom-house officer; do you mean to tell me, if you had a cargo of timber to receive from abroad to be shipped up the Humber, you would not prefer the dock of Mr. Walker as the most easy of access and exit for trans-shipment?—No; I should not in the winter, most assuredly.

4934. What do you apprehend in the winter?—From the south-west wind prevailing so strong, and westerly winds; to bring a raft of timber out of the dock would be almost impossible, the sea runs so high.

4935. Do you think it would be more easy to get into Mr. Walker's dock or the old dock?—Either of them you could get into very easily, and the docks communicate with one another.

4936. You do not apprehend any objection to Mr. Walker's plan from the difficulty of entering?—No, I am not aware of any.

4937. What difficulty will exist in shipping the timber up the Humber that would not exist in the old dock?—You have a much greater distance to travel, and in the winter time the wind sets in so strong; I have seen such a sea running there during the nine years I was there, that it would be almost impracticable for any float or raft to come out.

4938. The distance between Mr. Walker's basin and the Hull is 2,000 feet; do you really mean to represent, that the distance furnishes any great additional objection to the egress of timber from that dock over timber coming down from the old dock?—There is an objection, but whether it is a very important objection I cannot take upon myself to say as a pilot.

4939. If the weather is such as to oppose a serious obstacle to get over that 2,000 feet, would any vessel leave the port if under good management?—I do not know that they would; but the greater the distance they have to go in bad weather the worse it must be.

4940. Do you not think there is an advantage in landing timber out in a basin, and immediately into the river, over landing it in a dock from which you must pass through the river, or through the two other docks?—Yes, it is more convenient, having only one pair of locks to go through.

4941. Which way would you get out of the old docks?—If it was very rough I should take the shortest distance to get out.

4942. Under ordinary circumstances, assuming it is not so rough, which would be the course by which they would leave the old dock?—They would go both ways.

4943. If they went through the Junction Dock and the Humber Dock, how many locks would they have to pass?—Three locks.

4944. If they go through the harbour they will have to go through a considerable space of navigation?—No, not if you make it a dock.

4945. Would not the timber come out of the same spot as Mr. Walker's timber

timber would come out, by means of this new cut occupying the same site?—Yes; if you have a new cut communicating with the old harbour it would come out at the same mouth.

4946. The same difficulty would exist in the one case as in the other?—Yes; if the new cut is made, that objection of mine to Mr. Walker's plan would be done away with.

4947. You do not propose to carry it out of the old dock, and lock it into the harbour dock, and then out again?—It is done now frequently.

4948. Assuming that this harbour dock were constructed, the timber would be taken out of the old dock into that portion of the old harbour that will still remain, from thence out into the new dock, and then out into the harbour, or down the new cut?—They must either do that or go through the Junction Dock.

4949. Will it or will it not, in your opinion, embarrass the trade in the Junction Dock and the Humber Dock, that the timber trade should be carried from the old dock and into the Humber through these docks?—Yes, as much as at present.

4950. I am asking you with respect to the merits of the old dock, or Mr. Walker's dock?—I have said that Mr. Walker's dock for the timber only would have great facility to get into the Humber, having only one set of gates.

4951. You were asked a great many questions as to the expense to the Customs from an increased staff being needed; do you think that the Customs are able to judge for themselves upon that subject or not?—I consider them able to judge for themselves perfectly.

4952. Supposing the Customs see no objection to the plan, and sanction its provisions, why do you take fright at this Bill?—I do not take fright at it; it is the public who must pay for it; it is an expense that must fall upon the public.

4953. Do you think that the Board of Customs are a body who may be safely intrusted with this matter?—Yes; they are the best judges of the requisite number of officers.

4954. You say there are two tide-waiters in the harbour and one in the dock; can you assign any reason why there are two in the old harbour and only one in the dock?—Yes; because being a tidal harbour vessels are lowered down so low that you cannot see what they are about, and the boats are constantly running up and down; it is therefore considered necessary to have an extra watch; whereas, in the dock, if you were to take any thing out of a ship and put it into a boat, you could not get it out of the dock without it being discovered; but in the river it is very different.

4955. It is a precaution adopted by the Customs to prevent smuggling?—Yes, or to prevent goods being illegally unshipped, which is smuggling.

4956. You must know that formerly smuggling was carried on to a great extent through those staiths at the sides of the river Hull?—No, I am not aware of that.

4957. I think you stated there was a considerable trade carried on in the old harbour by means of steamers?—In the Humber Dock; that is the dock for steamers.

4958. There is no trade that is material conducted between the old harbour by steamers?—None with the foreign steamers that I am aware of.

4959. The railway comes up to the Humber Dock?—I left Hull before the railway terminus was completed.

4960. Do you not think the Humber Dock is a very convenient position for steamers?—Yes, it must be.

4961. How many steamers frequent the town of Hull; are there an immense number of steamers of every class?—A great number.

4962. Do you know that there are only six steamers that cannot at present enter the Humber Dock?—As it is 18 months since I left the port, I cannot speak to that; before I left the port, the Tiger, the Wilberforce, the Seahorse, and the Vittoria, and some others, could not enter the Humber Dock.

4963. You stated that one evil which results from the present management of the docks is, from the dock-master suffering vessels that have discharged to remain in their berths?—Yes, that often used to be the case.

4964. You know that by the Dock Act the dock-master is not appointed by the Dock Company?—I believe he is not; I have spoken to the dock chairman about it before.

Mr. John Roberts.

29 June 1840.

4965. That is not a charge to which the Dock Company is amenable?—Not at all, I should suppose.

4966. As to the advantage resulting from the harbour being converted into a dock, did you not say that vessels would be able to go from warehouse to warehouse and pick up their cargoes?—Discharge their cargoes.

4967. Would the same be applicable to a vessel taking in her cargo?—No; the goods are brought down by lighters from the manufacturing districts.

4968. In theory it may be so; but practically, do vessels go from berth to berth and to the warehouses of several persons who have goods to put on board?—Decidedly; if you make the harbour into a dock, the captain would say, "I have 100 casks for one gentleman, and 60 for another," and he would go from one warehouse to another.

4969. Is there no danger of their finding the berth occupied?—Yes; but if the berth is occupied, there would be no objection to discharge under the stern or over the bowsprit; that is done at Liverpool; they make stages to get over.

4970. You do not mean to represent that those vessels that are engaged in the timber trade generally bring a mixed cargo?—They do frequently; particularly from the Baltic, they do very often.

4971. What proportion; I do not wish to bind you down precisely?—At a rough calculation, I cannot say the number; they often bring feathers, bristles and linseed, and, what they are very fond of at Hull, cranberries; there are a great many of them.

4972. Do you mean to say, in speaking of the advantages belonging to the locality, you would speak of a vessel having cranberries on board as a matter that required a position suitable to the general trade of the town?—No; I speak of feathers; and the merchant who imports feathers would have them brought round in a lighter.

4973. Would that form a feature in the general trade?—The mixed cargo would have to be left at different warehouses.

4974. In the Canada trade, do ships often bring mixed cargoes?—They have pot and pearl ashes, but not in a very great proportion; the Canada ships bring timber, deals and staves.

4975. That is chiefly confined to wood?—Yes.

4976. Do you or do you not consider it an advantage to abstract the timber trade from the other docks of the town of Hull, and to leave it to one dock apart by itself; do you believe that that would give facilities to the general trade?—I have already observed, that, by making the old harbour a dock and a basin for steamers, and better regulations, the old dock would be so relieved as to make it applicable only to timber.

4977. Do you consider it an advantage that the timber trade should be conducted apart from the general trade?—Yes, certainly.

Re-examined by Mr. Serjeant *Merewether*.

4978. You think it an advantage that the timber trade should be separated from the others?—Yes.

4979. But, as far as there are any mixed cargoes, it would be an inconvenience?—Yes; because the mixed things must be lightered or taken somewhere else.

4980. So that, if vessels could not run to other places, that wished to take in a mixed cargo with the timber, it would be an inconvenience to them?—They very seldom take in any thing else.

4981. Do you think that the advantage of separating the timber trade is sufficient to justify the putting the dock so far eastward of the town?—No, I should think it not worth the expenditure.

4982. In order to get a timber pond close to the citadel, do you think that that advantage would be worth while purchasing at the cost of laying out 21,000*l.* for a timber pond?—Upon my word, I do not; I should think it would not be worth it, if you could find room without.

4983. Would it be worth while to lay out 300,000*l.* to construct a dock there for timber alone?—I should say it would be a very wild scheme, for timber alone.

4984. You have been asked, as to those different bodies specified as consenting to Mr. Walker's scheme; do you know whether there are many persons in the Corporation who have shares in the dock?—No; I never interfered with the private concerns of members of the Corporation.

4985. Or the Trinity House?—Most of them are captains of ships, I believe.

4986. Do

4986. Do you happen to know whether the Trinity House have expressed their opinion that this dock will be useless without a communication with the river Humber?—

Mr. John Roberts.

29 June 1840.

Mr. Wortley stated that the Trinity House consented only to the Bill upon the principle of its being carried out in its integrity; that if it was not, they would rather it was not carried out at all.

4987. Mr. Serjeant *Merewether*.] Are you of opinion, without a communication, it would be useless?—Yes; it would be nothing more than a timber pond, I should say.

4988. Do you happen to know whether the Trinity House have had both these plans before them?—No, I do not.

4989. You have been asked about the float at Bristol being two miles long?—When I said a mile, I considered it running up to Acreman's warehouse.

4990. The float begins at the large lock?—Yes, down near the Cumberland Basin, below the Hot Wells.

4991. Have the goodness to tell me whether, from thence up to the point before the Frome comes in, it is, comparatively speaking, little used?—Nothing but for timber.

4992. When you come up to the point where the Frome comes in, and it branches off, the square inclosed by two branches of the river is almost entirely warehouses?—Yes, three-fourths of it.

4993. There the great trade is carried on?—Yes.

4994. The float bringing the trade to the warehouses just as it is proposed at Hull?—Yes.

4995. Up the Frome from that point, going up you pass the drawbridge, and then are there not warehouses all along that line, and are they not used for the ships lying alongside the quay?—What you call the broad quay, there are no warehouses, they are almost all public-houses; beyond that they are almost all warehouses.

4996. That is the principal part of the float, as far as the Frome is concerned?—Yes.

4997. Does not the float beyond that continue up to the old bridge crossing the Bath road?—Yes.

4998. Have the goodness to tell me whether the whole of it has not a wharfage in front of the warehouses up to the bridge?—Yes, that is the principal part from Acreman's warehouse.

4999. Have you any doubt of that being a great advantage to all that part of Bristol?—No doubt.

5000. Will not the turning the old harbour into a dock at Hull be of the same advantage?—Yes; it must be a great advantage to the trade.

5001. If it is necessary to get more dock room, is it not desirable that the pen should be carried up to Sculcoates?—No; you would have no occasion for a timber dock or pond; you would have dock room for every thing.

5002. And room for warehouses on both sides?—Yes.

5003. Having had your attention more particularly drawn to Bristol, and the facts connected with it, have you any doubt of the advantage of having the old harbour turned into a dock?—No, I never shall entertain any doubt that it is the best situation for a dock, taking the locality into account.

5004. You have been asked a good deal as to the rafts of timber, whether they would be brought out of the old dock down the harbour, and so into the Humber; would not the general course be for a ship about to export timber or take it up to Lynn to go into the dock, and load in the dock?—Yes.

5005. She would not lie out in the Humber?—No.

5006. She would go into the dock and be afloat?—Yes.

5007. Can any thing be more convenient than for her to load her timber in the old dock?—It would be very convenient.

5008. It cannot be more convenient?—No, not to get the timber on board.

5009. Do you think that the timber will be conveniently situated when it is at Mr. Walker's timber pond; it must be taken out of the timber pond into the dock to be loaded?—Yes; if you have a pond by the side of it, it must come out into the dock before it can get out into the gates.

5010. And either the ship or the raft of timber must come out of the mouth of the basin into the Humber?—Yes.

5011. Which would often be impracticable?—Yes, in winter time.

5012. Look at Mr. Rendel's plan, if you have it before you [*the Witness referred*

Mr. John Roberts.

29 June 1840.

to it]; have the goodness to look and see where the entrance in and the exit from the old harbour dock would be; would not it come into Mr. Rendel's basin?—Yes.

5013. Will not that be a more sheltered position than where Mr. Walker's basin is?—Yes.

5014. They will come into the sheltered basin?—Yes.

5015. Could they get better to sea than when coming out in Mr. Walker's basin?—You would not have so much of the Humber to navigate.

5016. Might they not lie in the basin in safety till there was the convenience of going out?—Yes; I should conceive they would not start till the wind was in their favour.

5017. With respect to the timber; if the old harbour was turned into a dock, is there a chance of there being any difficulty as to the timber?—No, I should conceive not; you mean to make the old dock exclusively for timber?

5018. I will not say that; but can there be any difficulty in making arrangements for the timber trade if the harbour was converted into a dock?—No, I think not; I think there would be no difficulty if those arrangements are made in making the old dock into a timber dock.

5019. *Committee.*] What would be the arrangements?—By making slips at the old dock, and piling the timber in the dock as they do at Bristol and Liverpool; you can pile a great deal of timber in a little space.

5020. Mr. Serjeant *Merewether.*] I understood you to say, you thought if Mr. Rendel's large basin was made, and the old harbour was converted into a dock, then that portion of the Humber Dock would be relieved of the steamers?—Yes, it would be.

5021. Would that, in your opinion, accommodate the timber trade further?—Yes; the other vessels would not want to go into the other docks.

5022. Do I understand you, that the converting the harbour into a dock would relieve the old dock?—Yes, all the docks.

5023. If the old harbour is converted into a dock, your opinion is, there would be no difficulty in the timber trade at Hull?—No, not with proper arrangement.

5024. You were asked whether the Humber Dock was convenient for steamers; the large steamers cannot get in there?—No.

5025. With respect to the prompt egress and ingress for the steam-vessels, would not Mr. Rendel's dock be more convenient than the Humber Basin?—Yes, because no time would be lost; and the goods could be conveyed by a tram-road, and one horse could take five or six carriages, with an immense amount of wool piled upon them, as they do now in the docks.

5026. You think that the steamers could be discharged in the basin?—Yes.

5027. A tram-road on the wharf would give a great facility?—Yes.

5028. Do you happen to know whether some of the steamers at Hull have been built narrower to adapt themselves to the shape of the locks?—Yes; I heard Mr. Gibson, the ship-builder, say, that he could not build the ships as he wished in consequence of the narrowness of the entrance.

5029. Was that the case with the *William Darley*?—Yes; she was built particularly narrow and sharp.

5030. With a view to her entrance into the dock?—Yes.

5031. Do you know whether her course at sea was not injured in consequence of that?—She was obliged to be doubled; to have timber put outside her in order to make her more stationary in the water.

5032. You were asked whether you knew that the Customs approved of this plan; do you know?—No; having left the port I have had no communication with it since.

Examined by the *Committee.*

5033. Which is the largest trade at Hull, the Baltic timber trade or the Canada?—I should say the Canada trade; they have larger ships; the Baltic trade is carried on by foreign vessels, three parts of it; I should think that the Canada timber is the largest quantity.

5034. You are unable to state whether there are more vessels come with timber from the Baltic or from Canada?—From the Baltic, certainly, taking all the trade of the Baltic; but there are other things brought besides; but the timber vessels, I should say from Canada, bring the largest quantity of timber.

5035. The Baltic vessels generally come with mixed cargoes?—Yes, frequently.

5036. Not from Canada?—No.

5037. You

Mr. John Roberts.

29 June 1840.

5037. You state that the expense to the Government would be much greater if Mr. Walker's plan was carried into execution than Mr. Rendel's, because you conceive it would involve a large increase of the Customs' establishment?—Yes.

5038. Can you give the Committee any idea of the expense?—Every ship in the harbour has two tide-waiters; I could reckon their salary; they are paid from 70*l.* to 80*l.* a year; a great many would be relieved, of which you would only require one in the other plan.

5039. Do you think that the difference of the expense to the Government between Mr. Walker's and Mr. Rendel's plan would be 1,000*l.* a year?—Yes, and considerably more than that; I should say more than 2,000*l.* a year, provided a great number of vessels go into the dock; the more that go in, the more the expense; as more lighters would have to be used.

5040. You say, from your experience as a practical Custom-house officer, that Mr. Walker's plan would involve an additional expense to the Government of 2,000*l.*?—Yes, I should say more.

5041. You made, yourself, a plan?—No, not a plan; I published it openly on the quays, and that is the reason I am called here. When people complained that they had not room for the steamers, I said, "I am surprised you do not carry out you piers into the Humber, and have a breakwater, and then you will have a place for your steamers."

5042. And to convert the old harbour into a dock?—Yes.

5043. Have you any undue preference for Mr. Rendel's plan, in consequence of having had that opinion?—No, not the least; I can conscientiously say that.

5044. In the 2,000*l.* a year, did you consider the establishment of another registry-office?—Yes; I think it likely to be done; the distance is so great, it will be necessary.

5045. Did you include the registry-office in the sum you mentioned of 2,000*l.* a year?—No.

5046. Assuming this breakwater to be made by Mr. Rendel's plan, how many steam-boats would go in and out in the course of the day?—I do not know the number exactly; perhaps 20 or 30 steamers.

5047. Going in and out all hours of the day?—Yes.

5048. With regard to the timber taken out of the proposed dock, would it not be in the way of the steamers?—No; I do not know whether that would prevent it; the captain of the steamer could tell that.

5049. Would not the raft be in danger of being run over?—They could steer the steamer out of the way; I have not directed my attention to that.

5050. You say that Mr. Rendel's plan would have an advantage over Mr. Walker's, in consequence of the timber coming out into a sheltered basin?—Probably the rafts might interfere with the navigation.

5051. Would it be advisable to lock rafts out of the proposed dock into the basin, considering the quantity of steam-boats that come in; do you consider that it would be desirable to send the rafts out of the new dock, in consequence of the number of steam-boats coming in?—No; it would be better to send it out by the old dock; but it is mostly laden in lighters, and not so much floated out by rafts.

5052. You think it better to take it down the new channel rather than into the mouth of this harbour?—Yes, certainly the rafts of timber.

5053. The mouth of this new cut and Mr. Walker's dock being in the same position, there would be very little difference in the advantage of transporting timber?—Very little.

5054. Supposing Mr. Walker's proposed timber pond not to be made, do you conceive that the new dock of Mr. Walker's would be more convenient for the timber trade than Mr. Rendel's proposed dock, supposing the timber going out of the Humber to the same place?—No.

5055. Without a timber pond, you do not conceive any advantage in Mr. Walker's plan to the timber trade?—No, I do not.

5056. Then it is not on account of sending the timber out of the proposed dock into the steam-boat basin you gave your answer before?—No.

5057. Has the trade carried on in the old harbour declined or increased during your residence at Hull?—I should say one part of the trade is very much increased; the Rotterdam trade in bark, and so on.

5058. Do you consider there was more trade carried on in the sufferance quays in the old harbour, at the end of your time at Hull, than when you first

Mr. John Roberts.

29 June 1840.

went there?—I rather think there was; I did not direct my attention to it. I should say the old harbour occupied one-third of the landing-waiters.

5059. Although you prefer Mr. Rendel's plan, you would not deny that Mr. Walker's plan, if executed, would be a great convenience to the trade of the port?—It would be a great addition to the dock room; but it would be a greater convenience if you could keep the docks nearer together.

5060. But you prefer infinitely Mr. Walker's plan being executed to things remaining as they are?—If the trade of the port increases, it is necessary to have a dock somewhere; and if you cannot find a nearer place, it is better to have it at a distance rather than not at all.

5061. I should like to know the details of the 2,000*l.*?—It is scarcely possible to say; you cannot calculate the number of vessels that go into the old harbour. I may not speak within a thousand pounds.

5062. The general impression on your mind is, if this dock is made, there must be an increase of the establishment?—Yes.

5063. It would, with the increase of 2,000*l.* a year, involve an establishment of another registry-office?—Yes; for the convenience of the trade they must have it.

5064. The distance of Mr. Walker's plan from the present harbour is the inconvenience you look to?—Yes.

5065. How many minutes' walk would it be from the old harbour to Mr. Walker's dock?—I should say it would take nearly half an hour to go round by the North-bridge.

5066. What distance is it?—Above a mile. It would depend upon the part of the dock you went to; but from the Custom-house it is decidedly more than a mile and a half, and that is the principal thing to look at.

5067. Mr. *Hildyard*.] From the Custom-house to this end of the dock nearest the access, is it more than a mile?—I should suppose it would be above a mile to go over the North-bridge; some of the landing-waiters get old, and they cannot walk so fast as a young man.

5068. What is the distance between the old harbour made into a dock and Mr. Walker's new dock?—You can walk it in five or six minutes from most parts of the old harbour.

5069. You deduct five or six minutes from the half hour?—Yes.

Mr. *Hildyard* stated that the measured distance was 1,360 yards from the Custom-house to the nearest point of Mr. Walker's dock, and 400 yards more to the farthest point from the middle of the old harbour to the nearest point of Mr. Walker's dock.

5070. Are you decidedly of opinion that in the last 11 or 12 years the trade carried on in the old harbour has not decreased?—I should say not, decidedly; some few branches of it might, but not the trade generally; but I am almost speaking out of book.

5071. Do you know what effect was produced by the opening of the Junction Dock upon the trade of the old harbour?—You relieve the Humber Dock, for you have the old harbour; but the bone ships and the seed ships mostly discharge at the Junction Dock now.

5072. What was the effect upon the harbour; were you compelled to employ as many officers on board the ships after the Junction Dock was opened as before, during the time you remained at Hull?—No, I should say not so many; bone ships pay very little duty; we do not care much about them; they go into the Junction Dock.

5073. Are the Customs in the habit of objecting to new docks if they diminish their receipts?—No; they look to the convenience of the trade more; if the two plans were put before them, they would decide upon the one the least expensive.

5074. They have not consulted you upon the plans?—Not the least.

5075. Can you tell whether at Liverpool lighters are permitted to take cargoes from vessels?—Yes, I think I have seen them in some of the docks; but not timber; the timber is there landed on the shore, none of it remains floating in the docks; it is hauled out by horses.

5076. Then, do I understand the general practice to be to go alongside the quay and unload, at Hull?—Yes, it is done nearly by carts at Hull; the trade is generally water-borne, and not landed.

[The Witness withdrew.



*William Vizard, Esq.*, was called in ; and Examined by Mr. Serjeant *Merewether*, as follows :

*W. Vizard, Esq.*

29 June 1840.

5077. I BELIEVE Lady Coventry has large estates in the East Riding of Yorkshire?—Yes, she has.

5078. And large warehouses in the old harbour at Hull?—Yes.

5079. Are you the auditor of her Ladyship?—Yes.

5080. And manager of this property?—Yes.

5081. How are the warehouses there let ; on lease, or how?—They were let upon lease.

5082. Up to what time?—The lease expired in 1834.

5083. Just mention the name of the tenant?—Mr. Greenwood was the tenant up to that time.

5084. After 1829 did the tenant go on as profitably in the harbour, or make any complaint at that time?—I had constant demands to have the rent reduced, with perpetual allegations that the warehouses were empty ; from about that time or 1830, down to the end of the lease, I had perpetual complaints, and with great difficulty got the rent paid at all.

5085. Did any deductions take place?—In 1834, when his lease expired, I re-let the warehouses, the rental being 680*l.*, the only rent I could get was 380*l.*

5086. How has the rent been from that time?—It has been paid ; and very lately I had a claim for a further reduction, and a threat to leave the warehouses unless I consented to make a further reduction.

Cross-examined by Mr. *Hildyard*.

5087. When was the lease originally granted ; for what time?—I think for seven years.

5088. Have you the lease here?—No.

5089. Was it for seven years and seven years?—No, it was for seven years only ; I am not quite certain whether it was a lease or an agreement ; it was for a specific term.

5090. No alteration had taken place in the premises during that period?—None that I am aware of.

5091. No other circumstance that you know of, to account for the diminution in the rent you have spoken of?—No, I know of none.

5092. Did you offer it generally in the town?—I know that pains were taken ; what, exactly, I do not know ; it was left in the care of the local agent, and I have no doubt he took pains to publish it.

5093. Had you done any thing to the premises when the lease was first granted?—If any alterations were made, they were made at the expense of the landlady and not of the tenant.

5094. Did the landlady agree to do any thing for the tenant?—None but common repairs.

5095. You are not able to say whether, during the seven years, tracing backwards, there had not been a very great depreciation of all descriptions of property in the town of Hull?—I cannot answer for all descriptions of property. I think it had been reduced upon Mr. Greenwood taking it ; it was 720*l.*, and reduced to 680*l.*

5096. During that period of years, was there or not a general depreciation of warehouse property and building property?—I remember to have heard that the trade of Hull was very much diminishing, but what I have heard in this room is, that the trade has been always increasing.

5097. That increase has shown itself during the last few years very considerably?—I do not know.

5098. *Committee.*] When trade increases, it is likewise very probable warehouse property may be much depreciated in consequence of the excess of competition?—It may be ; I cannot say whether it was in this case.

5099. Were there any warehouses built about that time or at that time?—I do not know ; I go down once a year and audit the accounts, and receive the rents ; I do not know any thing more about the property.

5100. There had been none built upon Lady Coventry's property?—No, certainly not.

5101. Mr. Serjeant *Merewether*.] The rent continues the same now, 360*l.*?—Yes.

[The Witness withdrew.

[The following Papers were delivered in by Mr. Serjeant *Merewether*.

Vide Papers marked (A.) and (B.)]



29 June 1840.

(A.)

## PRINCIPAL IMPORTS and EXPORTS for 1837-8-9.

	1837.	1838.	1839.
<b>GOODS:</b>			
Bones - - - - -	25,966 tons	29,345 tons	24,370 tons
Bark, Oak - - - - -	7,271 "	5,774 "	5,831 "
† Corn, Wheat - - - - -	30,930 qrs.	187,379 qrs.	428,614 qrs.
† " Barley - - - - -	13,769 "	335 "	74,810 "
† " Oats - - - - -	57,090 "	3,672 "	43,970 "
† " Peas - - - - -	24,904 "	4,331 "	27,440 "
† " Beans - - - - -	29,129 "	30,577 "	24,846 "
† " Tares - - - - -	5,069 "	1,492 "	4,174 "
† Cake, Oil - - - - -	586 tons	1,140 tons	1,039 tons
† " Linseed - - - - -	4,744½ "	2,453 "	4,618 "
† " Rape - - - - -	4,709 "	4,173 "	5,571 "
† Flax - - - - -	22 "	128 "	73 "
† " Dutch and Flemish - - - - -	5,981 "	6,171 "	6,971 "
† " Baltic - - - - -	2,983½ "	4,349 "	4,181 "
Fins of Whale - - - - -	-	35 "	24½ "
Hides, Ox and Cow, wet - - - - -	300½ "	414½ "	76 "
" " " dry - - - - -	11½ "	27½ "	8½ "
" " Horse, wet - - - - -	44½ "	65½ "	5½ "
" " " dry - - - - -	136½ "	143 "	295½ "
† Hemp - - - - -	294½ "	79½ "	92½ "
† " Petersburg - - - - -	1,801½ "	2,109 "	2,216 "
† " Riga - - - - -	914½ "	1,254 "	1,322 "
Iron Bars - - - - -	6,413½ tons and 199,299 bars	7,784 tons and 225,943 bars	7,730 tons and 226,389 bars
† Madders - - - - -	646 tons	891 tons	1,244 tons
Oil, Train - - - - -	273½ tuns	578½ tuns	375 tuns
" Olive - - - - -	935 "	556 "	476 "
Skins, Kip, wet - - - - -	1½ ton	1½ cwt.	22½ tons
" " " dry - - - - -	83½ tons	165 tons	164½ "
" Calf, wet - - - - -	211 "	272 "	142 "
" " " dry - - - - -	20 "	42 "	195 "
† Seeds, Line - - - - -	130,177 qrs.	160,665 qrs.	200,450 qrs.
† " Rape - - - - -	8,118 lasts	5,816 lasts	10,936 lasts
† " Clover - - - - -	1,559 tons	1,759 tons	1,844 tons
Spruce Beer - - - - -	1,323 barrels	535 barrels	123 barrels
Tar - - - - -	557 lasts	822 lasts	234 lasts
Turpentine - - - - -	13,121 barrels	24,125 barrels	11,166 barrels
Tallow - - - - -	2,120 tons	1,560 tons	1,197 tons
† Valonia - - - - -	38 "	-	-
Wool - - - - -	11,222,613 lbs. and 2,788 bales	18,155,249 lbs., 344 bales, and 77 bundles.	15,483,576 lbs., 733 bales and 40 bags
" Russia - - - - -	425,189 lbs. and 543 bales	852,324 lbs. and 79 bales	938,641 lbs. and 741 bales
† Yarn, Raw Linen - - - - -	150 tons	71 tons	114½ tons
" Worsted - - - - -	1,200 lbs.	3,186 lbs.	5,604 lbs.
Zaffers - - - - -	96 tons	216 tons	184 tons
<b>WOOD:</b>			
Timber, Fir, Foreign - - - - -	11,320 pieces	27,539 pieces	25,823 pieces
" " Colonial - - - - -	19,238 "	16,455 "	21,645 "
" Oak " - - - - -	1,636 "	1,812 "	1,157 "
" Hardw. " - - - - -	9,290 "	4,721 "	6,279 "
" Teak " - - - - -	2,143 "	-	-
Deals, Foreign - - - - -	660,9 cts.	643,2 cts.	660,9 cts.
" Colonial - - - - -	527,3 "	326,6 "	368,6 "
Deal Ends, Foreign - - - - -	92,6 "	95,6 "	86,8 "
" Colonial - - - - -	43,6 "	31,6 "	37,2 "
Battens, Foreign - - - - -	221,3 "	240,8 "	285,0 "
" Colonial - - - - -	56,7 "	46,5 "	43,4 "
Lathwood, Foreign - - - - -	908 fathoms	906 fathoms	894½ fathoms
" Colonial - - - - -	532 "	375 "	435 "
Masts, Foreign - - - - -	379 No.	1,042 No.	380 No.
" Colonial - - - - -	34 "	77 "	66 "
Spars, Foreign - - - - -	15,6 cts.	21,5 cts.	13,8 cts.
" Colonial - - - - -	1 "	1 ct. 2 20	16 "
Staves, Foreign - - - - -	137,9 "	140,7 cts.	137,3 "
" Colonial - - - - -	146,6 "	58,6 "	76,6 "
" St. John's - - - - -	-	65 "	75,3 "
Wainscot Logs - - - - -	4,260 logs	4,122 logs	2,845 logs

† Not landed in the docks.

## ON KINGSTON-UPON-HULL DOCKS BILL.

227

PRINCIPAL EXPORTS in 1839, compared with those of 1838 and 1837.

29 June 1840.

ARTICLES.	1837.	1838.	1839.
Cotton Twist - - - - bales -	70,981	74,024	73,420
" - - - - cases -	79	154	183
" - - - - hhds. -	295	81	144
" - - - - casks -	2,014	3,705	6,625
" - - - - skips -	25	170	186
Cottons - - - - bales -	17,108	15,425	14,497
" - - - - cases -	3,815	3,711	4,024
" - - - - casks -	34	24	21
" - - - - boxes -	13	3	—
Cottons, Silk and Linen mixed - - - bales -	43	45	56
" - - - - cases -	126	133	135
Cotton Wool - - - - bales -	2,211	668	3,355
" - - - - bags -	500	—	1,113
Coal Tar - - - - barrels -	874	958	1,594
" - - - - casks -	32	6	28
Corn, Wheat - - - - quarters -	8,288	15,496	14 bags
" Barley - - - - " -	4,311	1,119	5 "
" Oats - - - - " -	4,784	4,990	1,565
Earthenware - - - - crates -	4,032	3,970	4,317
" - - - - hhds. -	1,223	1,074	141
" - - - - tierces -	106	95	84
" - - - - casks -	121	229	204
" - - - - pot. doz. -	7,000	5,800	6,316
Hardware - - - - casks -	2,245	2,559	2,609
" - - - - cases -	1,442	1,951	2,052
" - - - - boxes -	24	21	56
" - - - - bundles -	8,609	10,206	11,758
Lead - - - - pieces of -	833	2,090	4,884
" Red - - - - casks -	20	4	24
" White - - - - " -	76	231	359
" - - - - cases -	10	—	—
Rapeseed - - - - quarters -	1,032	5,604	—
Woollens - - - - bales -	9,086	9,651	10,324
" - - - - cases -	1,151	1,223	1,657
Woollens and Cottons, &c. (mixed) - bales -	569	631	913
" - - - - cases -	129	113	173
Yarns (of Wool and Flax) - - - bales -	8,060	8,716	8,918
" - - - - cases -	174	152	58
" - - - - trusses -	100	27	19

COTTON TWIST exported to various Places for the last Three Years.

TO WHAT PLACES.	Number of Packages.			Number of Ships.
	1837.	1838.	1839.	
To HAMBURG - - - - bales -	28,265	30,444	32,970	1837 - - 221
" - - - - cases -	30	74	65	1838 - - 215
" - - - - " -	181	184	266	1839 - - 228
To ROTTERDAM - - - - bales -	14,771	20,246	16,839	1837 - - 160
" - - - - cases -	15	20	34	1838 - - 174
" - - - - casks -	1,544	3,193	3,264	1839 - - 160
" - - - - skips -	20	17	14	—
To PETERSBURG - - - - bales -	26,613	21,759	20,544	1837 - - 59
" - - - - cases -	22	34	47	1838 - - 64
" - - - - casks -	1	3	3	1839 - - 62
To RIGA - - - - bales -	106	121	57	1838 - - 11
" - - - - cases -	5	6	4	1839 - - 6
" - - - - casks -	141	106	121	—
" - - - - hhds. -	217	81	35	—
To GOTHENBURG - - - - bales -	553	464	628	1837 - - 15
" - - - - casks -	11	—	—	1838 - - 13
" - - - - skips -	4	148	170	1839 - - 15
To AMSTERDAM - - - - bales -	146	221	259	1837 - - 46
" - - - - casks -	53	35	292	1838 - - 57
" - - - - cases -	6	8	8	1839 - - 49
To ZWOLLE - - - - bales -	—	—	1,320	—
" - - - - hhds. -	—	—	108	—
" - - - - casks -	—	—	2,148	—
To OTHER PLACES - - - - bales -	267	799	722	—
" - - - - casks -	98	192	530	—
" - - - - cases -	6	12	20	—
" - - - - trusses -	3	—	1	—

29 June 1840.

PRICES CURRENT, 31 December.

Alum, Lump - - - -	12 <i>l.</i> -	per ton
" Ground - - - -	13 <i>l.</i> 10 <i>s.</i>	"
Animalized Carbon - - - -	55 <i>s.</i>	"
Bone, Whale, nominal - - - -	180 <i>l.</i> -	"
" for manure - - - -	110 <i>s.</i>	"
Bark, Dutch Coppice - - - -	6 <i>l.</i> 15 <i>s.</i> to 7 <i>l.</i>	"
" " Tree - - - -	5 <i>l.</i> 15 <i>s.</i> to 6 <i>l.</i> 6 <i>s.</i>	"
" German Coppice - - - -	None.	"
" " Tree - - - -	5 <i>l.</i> to 5 <i>l.</i> 5 <i>s.</i>	"
Butter, Dutch - - - -	None.	"
" Holstein - - - -	102 <i>s.</i> to 104 <i>s.</i>	per cwt.
Cheese, Edam - - - -	52 <i>s.</i>	"
" Gouda - - - -	50 <i>s.</i>	"
" Canter - - - -	26 <i>s.</i>	"
Cake, English Linseed - - - -	11 <i>l.</i> 11 <i>s.</i>	per ton
" Foreign " - - - -	8 <i>l.</i> 10 <i>s.</i> to 9 <i>l.</i> 10 <i>s.</i>	"
" Rape - - - -	5 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i> to 6 <i>l.</i>	"
Corn, Wheat, White, old - - - -	None.	"
" " Red, old - - - -	65 <i>s.</i> to 70 <i>s.</i>	per qr.
" " " new - - - -	50 <i>s.</i> to 60 <i>s.</i>	"
" " Dantzic - - - -	73 <i>s.</i> , 78 <i>s.</i> to 80 <i>s.</i>	"
" " Lower Baltic - - - -	63 <i>s.</i> to 67 <i>s.</i>	"
" Barley, Lincoln and York, } malting - - - -	33 <i>s.</i> to 36 <i>s.</i>	"
" Barley, Lincoln and York, } grinding - - - -	30 <i>s.</i> to 33 <i>s.</i>	"
" Oats, Feed - - - -	19 <i>s.</i> to 25 <i>s.</i>	"
" " Poland - - - -	23 <i>s.</i> to 26 <i>s.</i>	"
" " Foreign, free - - - -	1 <i>s.</i> to 1 <i>s.</i> 2 <i>d.</i>	per stone
" Peas, White - - - -	38 <i>s.</i> to 40 <i>s.</i>	per qr.
" Beans, English - - - -	42 <i>s.</i> to 48 <i>s.</i>	"
" " Foreign, free - - - -	39 <i>s.</i> to 45 <i>s.</i>	"
" Tares, English and Foreign, new - - - -	None.	"
" " old - - - -	30 <i>s.</i> to 32 <i>s.</i>	"
Copperas, Green - - - -	5 <i>l.</i> to 5 <i>l.</i> 5 <i>s.</i>	per ton
Coal Tar - - - -	8 <i>s.</i>	per barrel
Cranberries, Russian - - - -	10 <i>s.</i> to 20 <i>s.</i>	per anker
" Swedish - - - -	8 <i>s.</i> to 12 <i>s.</i>	"
Flax, Petersburg, 12 heads - - - -	44 <i>s.</i> 6 <i>d.</i> to 45 <i>s.</i>	per cwt.
" " 9 " - - - -	39 <i>s.</i> 6 <i>d.</i> to 40 <i>s.</i> 6 <i>d.</i>	"
" Narva, 12 " - - - -	None.	"
" Riga, PTR - - - -	44 <i>s.</i> to 47 <i>s.</i>	"
" Dutch - - - -	60 <i>s.</i> to 65 <i>s.</i>	"
" Flemish - - - -	64 <i>s.</i> to 84 <i>s.</i>	"
" Memel, 4 brands - - - -	None.	"
Hides, wet, Hambro' Ox, without } horns, average 80lbs. - - - -	4½ <i>d.</i>	per lb.
Hides, wet, Hambro' Cow, without } horns, average 56lbs. - - - -	3½ <i>d.</i>	"
Hides, wet, Danish Cow, without } horns, average, 36 lbs. - - - -	4½ <i>d.</i> to 4½ <i>d.</i>	"
Hides, dry, Petersburg Cow, av. 16 lbs. - - - -	None.	"
" " Holstein " av. 22 lbs. - - - -	None.	"
" " Petersburg Horse, av. 15 lbs. - - - -	None.	"
" " Holstein " av. } 18 lbs. - - - -	7½ <i>d.</i> to 8 <i>d.</i>	"
Hemp, Polish, Rein - - - -	40 <i>s.</i> to 42 <i>s.</i>	per cwt.
" " Outshot - - - -	38 <i>s.</i> to 39 <i>s.</i>	"
" " Pass - - - -	35 <i>s.</i> to 36 <i>s.</i>	"
" Riga, Rein - - - -	38 <i>s.</i> to 39 <i>s.</i>	"
" " Outshot - - - -	35 <i>s.</i> to 36 <i>s.</i>	"
" " Pass - - - -	33 <i>s.</i> to 34 <i>s.</i>	"

Hemp, Petersburg, Clean - - - -	39 <i>s.</i> to 40 <i>s.</i>	per cwt.
" " Outshot - - - -	36 <i>s.</i> to 37 <i>s.</i>	"
" " Half-clean - - - -	32 <i>s.</i> to 33 <i>s.</i>	"
Lead, Pig - - - -	18 <i>l.</i>	per ton
" Red - - - -	21 <i>s.</i>	per cwt.
" Dry White - - - -	27 <i>s.</i>	"
Mustard, DSF (30 per cent. discount) - - - -	1 <i>s.</i> 6 <i>d.</i>	per lb.
" SF " " - - - -	1 <i>s.</i> 3 <i>d.</i>	"
" F " " - - - -	1 <i>s.</i>	"
" S " " - - - -	10 <i>d.</i>	"
Oil, Whale - - - -	30 <i>l.</i>	per tun
" Linseed - - - -	22 <i>s.</i> 6 <i>d.</i>	per cwt.
" Rape, Brown - - - -	35 <i>s.</i>	"
" " Pale - - - -	37 <i>s.</i>	"
Shumac - - - -	14 <i>s.</i> to 15 <i>s.</i>	"
Seed, Linseed, Morshank - - - -	41 <i>s.</i> to 42 <i>s.</i>	per qr.
" " Memel - - - -	39 <i>s.</i> to 40 <i>s.</i>	"
" " Black Sea - - - -	43 <i>s.</i> to 44 <i>s.</i>	"
" " Archangel - - - -	38 <i>s.</i> to 39 <i>s.</i>	"
" Rape, new - - - -	24 <i>l.</i> to 24 <i>l.</i> 10 <i>s.</i>	per last
" " old - - - -	23 <i>l.</i> to 24 <i>l.</i>	"
" Clover, Red Dutch, in bond - - - -	50 <i>s.</i> to 55 <i>s.</i>	per cwt.
" " White " " - - - -	34 <i>s.</i> to 45 <i>s.</i>	"
" " Red German " - - - -	50 <i>s.</i> to 55 <i>s.</i>	"
" " White " " - - - -	34 <i>s.</i> to 45 <i>s.</i>	"
Skins, Calf, wet, Hambro', 14 lbs. - - - -	6½ <i>d.</i> to 7 <i>d.</i>	per lb.
" " " Dutch, 13½ lbs. - - - -	6½ <i>d.</i> to 6½ <i>d.</i>	"
" " dry, Hambro', 5 lbs. - - - -	1 <i>s.</i> 2 <i>d.</i>	"
" Kips, Petersburg, 10 lbs. - - - -	11 <i>d.</i>	"
" " " 9 lbs. - - - -	11½ <i>d.</i>	"
Spruce Beer, Dantzic - - - -	15 <i>s.</i> to 16 <i>s.</i>	per keg
Salt, common White, for exportation, } on board - - - -	11 <i>s.</i> 10 <i>s.</i>	per ton
Tar, Archangel - - - -	20 <i>s.</i> to 21 <i>s.</i>	per barrel
" Stockholm - - - -	19 <i>s.</i> to 20 <i>s.</i>	"
Turpentine, Oil of - - - -	62 <i>s.</i> to 63 <i>s.</i>	per cwt.
Tallow, PYC - - - -	50 <i>s.</i>	"
Valonia - - - -	15 <i>l.</i> to 19 <i>l.</i>	per ton

## WOOD:

Timber, Quebec, Red } Pine - - - -	4 <i>l.</i> 15 <i>s.</i> to 4 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i>	per load
Timber, Quebec, Yel. Pine - - - -	4 <i>l.</i> to 4 <i>l.</i> 5 <i>s.</i>	"
" " Oak - - - -	7 <i>l.</i> to 7 <i>l.</i> 10 <i>s.</i>	"
" Amer. Lower Ports, Yel. Pine - - - -	4 <i>l.</i>	"
" " " Hardw. - - - -	4 <i>l.</i> to 4 <i>l.</i> 5 <i>s.</i>	"
" Memel Fir, best middling - - - -	5 <i>l.</i> 7 <i>s.</i> 6 <i>d.</i>	"
" " " second - - - -	5 <i>l.</i>	"
" Riga " - - - -	5 <i>l.</i> 7 <i>s.</i> 6 <i>d.</i>	"
Deals, 1st quality, Quebec - - - -	16 <i>l.</i> 5 <i>s.</i>	per st. cts.
" 2d " " - - - -	13 <i>l.</i>	"
" Archangel, Red - - - -	None.	"
" Petersburg, " - - - -	18 <i>l.</i> to 18 <i>l.</i> 5 <i>s.</i>	"
" Wyburg, " - - - -	17 <i>l.</i> to 17 <i>l.</i> 5 <i>s.</i>	"
" Memel, " - - - -	16 <i>l.</i> 10 <i>s.</i> to 16 <i>l.</i> 15 <i>s.</i>	"
" Petersburg & Riga, White - - - -	15 <i>l.</i> to 15 <i>l.</i> 5 <i>s.</i>	"
" St. John and Mirimichi Spruce - - - -	13 <i>l.</i>	"
Staves, Memel, Crown Pipe - - - -	140 <i>l.</i>	per mill
" Quebec, " - - - -	63 <i>l.</i>	per st. mill
Wainscot Logs, Memel - - - -	5 <i>s.</i> to 5 <i>s.</i> 3 <i>d.</i>	p' cub. foot
" Riga - - - -	5 <i>s.</i> to 5 <i>s.</i> 3 <i>d.</i>	"

Hull, 1 January 1840.

(B.)

IMPORTS into HULL, in 1831, 1832, 1833, 1834, 1835, 1836, 1837 and 1838.

	1831.	1832.	1833.	1834.	1835.	1836.	1837.	1838.
Bark, Oak - - - - Tons	8,682	7,301	9,179	9,350	7,715	7,279	7,610	5,746
Bones, Shank - - - - No.	295,131	208,203	254,674	162,014	700	—	—	—
„ Cattle - - - - Tons	18,686	14,768	19,513	23,839	26,545	24,012	25,979	29,189
Cakes, Linseed - - - - „	1,808	1,329	2,341	4,496	1,598	6,535	4,745	2,452
„ Rape - - - - „	3,437	4,813	3,590	3,659	3,025	1,915	5,298	4,954
Hides, &c., Ox and Cow - - - - „	751	315	304	229	310	793	318	441
„ Horse - - - - „	161	155	268	1,123	668	356	180	209
„ Calf and Kip - - - - „	423	404	451	856	647	841	314	490
Flax - - - - „	5,876	4,319	7,593	5,440	4,740	8,214	8,945	10,702
Hemp - - - - „	1,351	2,916	2,322	3,821	2,302	4,125	3,039	3,484
Seed, Linseed - - - - Qrs.	108,666	67,665	58,573	89,144	91,234	161,439	131,128	162,320
„ Rape - - - - Lasts	3,177	4,101	4,356	4,388	7,877	5,416	8,238	6,404
Tallow - - - - Tons	1,060	1,388	1,110	1,579	1,362	2,896	2,115	1,570
Battens - - - - C.	2,695	1,129	1,336	1,502	2,141	3,915	2,731	2,878
Deals, foreign - - - - „	6,685	4,638	4,234	6,073	5,805	7,394	6,551	6,394
„ colonial - - - - „	1,608	2,048	1,803	2,521	3,740	4,146	5,322	3,244
Deal and Batten Ends, foreign - - - - „	1,315	747	639	990	902	1,061	920	1,046
„ „ colonial - - - - „	252	262	225	180	259	391	454	305
Oak Plank - - - - Pcs.	357	946	60	-	942	12	620	1,443
Staves, foreign - - - - C.	2,025	1,654	2,234	1,164	1,329	2,469	1,379	1,496
„ colonial - - - - „	867	616	878	1,578	2,911	2,073	1,460	651
Timber, Fir, foreign - - - - Pcs.	25,658	10,887	10,355	10,903	20,532	18,574	12,287	28,882
„ „ colonial - - - - „	14,912	12,769	12,785	15,465	23,935	20,224	12,384	15,921
„ Oak and Hardwood, foreign - - - - „	59	1,211	218	-	746	1	34	—
„ „ colonial - - - - „	4,710	6,187	6,172	8,283	9,899	7,817	12,947	6,484
Wainscot Logs - - - - „	2,358	1,944	2,575	3,406	1,998	2,587	4,260	3,907
Wheat - - - - Qrs.	177,668	13,037	15,798	25	1,130	9,909	31,406	191,024
Barley - - - - „	63,101	21,945	34,170	13,802	11,067	8,312	13,772	635
Oats - - - - „	117,731	7,295	720	10,246	13,176	11,294	58,499	3,706
Rye - - - - „	2,300	-	-	-	-	-	2,438	—
Pease - - - - „	4,498	2,132	3,999	16,237	4,013	11,887	23,970	4,475
Beans - - - - „	5,163	9,881	5,602	7,452	6,104	27,283	29,067	31,305

Sheep's Wool has increased since 1837, about 50 per cent.

Ditto, ditto, from Russia (8 years), 100 per cent.

Timber and Deals not so materially increased.

Linseed, Hemp, Corn and Tallow, very much increased.

Presented by *Joseph Staniland & Co.*,  
Brokers, Hull.

*James Meadows Rendel, Esq.*, was again called in ; and further Examined by  
Mr. Serjeant *Merewether*, as follows :

5102. HAVE you prepared a statement of the costs of inclosing the piece *J. M. Rendel, Esq.* of ground south of the citadel, for a timber pond?—Yes.

5103. You propose to inclose it with piles and paling?—Yes.

5104. Do you propose to erect a wharfing stage there?—Yes.

5105. State to the Committee what will be the expense of it?—Seven thousand seven hundred pounds.

5106. Have the goodness to state what the area of it will be?—It will be as nearly as possible, meaning by the area the portion now covered by the water at high-water spring tides, 17 acres.

5107. Supposing there was no stage, but simply piles put in sufficient to secure it as a timber pond, what difference would that make?—From 900*l.* to 1,000*l.* ; but I think the stage the best part of the plan ; it is a stage fixed on the top of the piles, by which a communication would be open between the pond and the basin and the new cut.

5108. Have you a plan showing the paling and the stage?—Yes.

5109. Hand them in. [*The Witness delivered in a Plan of the timber pond and the stage, and also the following Paper :*]

*J. M. Rendel, Esq.*

29 June 1840.

## HULL DOCKS.

## MR. RENDEL'S DESIGN.

I ESTIMATE the cost of converting the fore shore of the Humber, between the basin of the new channel for the river Hull on the east, and the proposed new dock on the west, into a timber pond, by piles and palisades fixed on a line with the southern end of the said basin and dock, including a gangway erected on the piles for wharfing vessels, or other purposes of intercourse between the dock and basin, also the cost of four slipways from the dock into the timber pond, and two slipways between the pond and the basin, in the sum of seven thousand seven hundred pounds, and I compute the said timber pond to be fifteen hundred feet long, and five hundred feet wide, making an area of upwards of seventeen acres.

June 29, 1840.

*James M. Rendel.*Cross-examined by Mr. *Hildyard*.

5110. Seven thousand seven hundred pounds is the whole expense of making a timber pond?—The expense of converting that part of the fore shore into a timber pond.

5111. What have you estimated the value of the land?—I do not pretend to be a valuer of land; I am not a valuer of land.

5112. Because you are not a valuer of land, do you estimate nothing for the land?—It is not—it is part of the fore shore, and I have not estimated any thing for the land.

5113. What depth of water do you intend it to be at high-water?—I propose it to be merely an inclosure into which the tide will ebb and flow through the paling.

5114. No excavation at all?—No.

5115. Do you apprehend there will be a most rapid silting up of the timber pond?—I am perfectly satisfied that there will be, and that it will very soon be a timber-yard instead of a timber pond.

5116. You are neither a land-valuer nor a timber-merchant?—No, I am not.

5117. Do you happen to know whether it is the best process that timber can undergo, to be alternately wet and dry?—No; I should think it infinitely the best process the timber can undergo to be in a timber field and not in a timber pond.

5118. Is it not the worst process it can undergo to be wet and dry twice every 24 hours?—Yes, it is.

5119. Do you not think, if it was constructed as you propose, it would be dear at any price?—I do think, if it was constructed as laid down, that it would be a timber-yard in less than 10 years.

5120. Would it not be liable to the dry rot?—The timber trade is too brisk a trade at Hull to be liable to dry rot, and I should say the best part of the plan would be, that the fore shore would soon become land, and so much more valuable land added.

5121. Do you happen to know there is a large portion of land opposite the terminus of the railway, Corporation property, to the west of this point?—No; but I have no doubt of it.

5122. Do you not know that it has been also warping rapidly, and that it has been very much longer without becoming, as you are pleased to say, solid ground?—If it affords any gratification to you, I will fully answer the question, but I do not see how it bears.

5123. You say you have no doubt in 10 years this will warp up, so as to be dry land; I ask you whether, to your own knowledge, from another similar piece of land, you are justified in drawing that conclusion?—Yes; and I will say why the warping up is upon the ebb tide, and the greatest projection into the fore shore is at the mouth of the Humber Dock; all below that projection will warp up much more rapidly than any part above it.

Re-examined by Mr. *Serjeant Merewether*.

5124. Would it make any essential difference, in your judgment, whether it is a timber pond or a timber-yard?—No; on the contrary, I have said that a timber-yard would be better, and the timber better stored in a yard than in a pond.

5125. *Committee.*]

5125. *Committee.*] When it blew a gale of wind from the south or south-west, would it not have the effect of letting your timber go afloat?—No, the plan shows a very strong palisaded railing in front of it. *J. M. Rendel Esq*

29 June 1840.

5126. Would it ever warp up to the level of your quays?—Not above the high-water.

5127. How much are your quays above high-water?—Six feet.

5128. There would be six feet between high-water and your quay?—Yes, unless you can by artificial means prevent it.

5129. Would it be easy to do that?—Yes.

5130. Would it cost 20,000*l.* to form it into a good timber-yard?—It would entirely depend upon the materials you filled it with; I can hardly fancy it; unless you give me time to consider, I should hardly like to answer. I should say no, upon a general principle.

5131. Twenty-one thousand pounds is the cost of Mr. Walker's proposed timber pond; supposing this ground was partially warped up, and necessary to convert it into a timber-yard, would it be as expensive as Mr. Walker's proposed plan of a timber pond?—It would be as nearly as possible 80,000 cubic yards, taking it at one foot deep; it would be nearly as possible 160,000 cubic yards at two feet.

5132. If it was not filled up to the level of the quays, would there be any difficulty in using it as a timber-yard?—No, it ought to be above the high-water mark.

5133. If it was done up to the level of the quays, would it be any thing like so expensive as the work that Mr. Walker proposes, which would cost 21,000*l.*?—No, I do not think it would be any thing like that amount.

5134. When you were at Hull, did you happen to have any conversation with mercantile people, those who had asked you to form these docks, as to the reason why they preferred a timber pond to piling their timber?—No, I had not; the timber trade was not pointed out to me as a trade that stood particularly in need of accommodation.

[The Witness withdrew.]

*Thomas Lundy* was called in; and Examined by Mr. *Reynolds*, as follows:—

5135. I BELIEVE you were formerly a pilot in the Humber?—Yes. *Thomas Lundy.*

5136. For how many years?—Thirty-eight years.

5137. How long have you ceased to act as a pilot?—Seven years and a half.

5138. What was the reason of your ceasing to act as a pilot?—Being bad in my eyes.

5139. You are now the superintendent of the Ferry-boat Dock?—Yes.

5140. Do you attend also at the observatory at the pilot-office?—Yes.

5141. Do you remember when the Humber Dock basin and works were finished?—Yes, I do.

5142. How many years ago is it?—Thirty-one on the last day of this month.

5143. Since that time, has any alteration taken place in the fore shore of the Humber?—Greatly so.

5144. I speak of the part approaching the entrance to the harbour; has any alteration taken place there?—Yes.

5145. What kind of alteration?—It has grown shallower.

5146. It has warped up?—Very much so.

5147. The fore shore in front of the garrison has increased in extent?—Yes.

5148. And about the mouth of the old harbour?—Yes.

5149. How much has it increased in that period?—It has laid out in a southerly direction 150 feet in extent, about half a mile in an easterly direction, and it has raised to the extent of 16 or 18 feet.

5150. By the Humber Dock basin, I mean what depth of water was there?—From 16 to 18 feet, where it is now dry, in front of the citadel.

5151. About the mouth of the old harbour, how is it there?—Where there was six or seven feet water, there is now six feet above water.

5152. In the mouth of the old harbour?—Yes.

5153. Are you speaking of the cranch, or the mud at the mouth of the harbour?—The mud at the mouth of the harbour.

5154. Do you remember where the earth excavated from the Humber Dock was deposited?—Yes.

83.

FF 4

5155. Where

*Thomas Lundy.*

29 June 1840.

5155. Where was it?—On the site where Nelson-street, Wellington-street, and Peartree-street stand, forming the Ferry-boat Dock.

5156. Was the Humber Dock basin made before the Ferry Dock?—No; the Ferry-boat Dock was made first.

5157. Was the ground about there made before the Ferry-boat Dock was made?—First there was a wall made on the north side of the Ferry-boat Dock, and the excavated earth out of the Humber Dock was filled in to raise the ground as it is now.

5158. That you say was made from the excavated soil taken from the Humber Dock?—Yes.

5159. Is that wall from the jetty like Mr. Walker's basin? It is fore and aft, east and west, with a small angle at the west end, extending south-west about 60 yards.

5160. What do you attribute the quantity of mud there to?—By the extra ground being carried out into the river, and likewise the piers.

5161. What piers are you speaking of?—The Humber Dock piers; certainly they are carried out farther than the ground.

5162. In what state is it now; is it stationary, or does the mud increase?—It keeps increasing.

5163. In your opinion it will continue to do so, unless some remedy is adopted? Yes, surely.

5164. What remedy do you think would prevent it?—I cannot say, unless knocking off the dock piers and making a straight line of fore shore.

5165. You think that taking a straight line of fore shore would prevent the mud; would it be from having a straight line from the mouth of the harbour?—Yes, from the tide setting fore and aft the straight line of the fore shore, along which the tide sets.

5166. Do you know the place called the Cranch, at the mouth of the harbour?—Yes.

5167. Is that in slack water?—Yes, on the ebb tide.

5168. Have you seen a plan showing a new cut for the harbour?—Yes.

5169. Supposing that was carried into effect, in your opinion would a cranch form at the mouth of it?—Yes, it might do so in the course of half a century.

5170. Why do you think it would be so long in forming?—Because the present one has been 30 years forming there.

5171. You think the other would take half a century?—Yes, I do.

5172. Coming down the new cut, supposing materials of the same description as those of which the cranch is formed to be carried down by the stream, would that carry it into slack water?—Not if there was a proper line, of course, built for the tide to run fore and aft, it would turn the stones that rolled out of the new cut fore and aft, and they would be deposited here and there, east and west.

5173. And not form, as it had done, into a cranch?—Not as long as there was no projection put there.

5174. *Committee.*] You mean as long as there was nothing to obstruct the tide?—Yes.

5175. *Mr. Reynolds.*] Have you seen where Mr. Walker proposes to make a dock?—Yes, I have.

5176. If Mr. Walker's dock is made, in your opinion will it be necessary to do any thing to the old harbour?—It should have a communication through between, or it might be as well in the middle of a common.

5177. It will be in a marsh as it is?—Exactly so.

5178. Do you know a place called the Hebbles?—Yes.

5179. What sort of a place is it?—It is composed of materials extending half a mile from the shore, and in a southerly direction, two miles east and west; the surface of it is stone; what is underneath I am not able to say.

5180. What kind of side has it?—As steep as a wall, from two fathoms to seven.

5181. How far eastward of Mr. Walker's entrance basin do the Hebbles begin?—The west end is about a quarter of a mile eastward of Mr. Walker's dock basin.

5182. What kind of roadstead is there between the Hebbles and Mr. Walker's basin?—A very dangerous one.

5183. Do ships like to lie there?—They do not.

5184. Do

5184. Do they go in any where else?—If they cannot get a good roadstead in gales of wind, they go back again to White Booth-road.

5185. How far is that off?—About six miles.

5186. The roadstead from the Hebbles to Mr. Walker's basin is a very dangerous roadstead?—Yes.

5187. When you get opposite the old harbour, how is the roadstead?—Abreast of the citadel is the best roadstead there is about there.

5188. Do you think in some states of the wind and the tide, vessels endeavouring to enter Mr. Walker's basin will be in danger of running on the Hebbles?—Yes, they will; with a north north-east wind, they will be in danger of running on the Hebbles or missing the port and getting above it.

5189. You are speaking of the larger vessels now?—Yes.

5190. Will there be as much danger for smaller vessels, sloops?—No; because the water will flow off the Hebbles soon enough for small craft, and dry at very low spring ebbs.

5191. *Committee.*] When you speak of missing the port, you mean Mr. Walker's basin?—Yes; by keeping so far out you do not hit the port.

5192. Mr. *Reynolds.*] I am told that vessels after, having discharged their cargoes require to be examined?—Yes, it is generally the case.

5193. Supposing a vessel discharging a cargo in Mr. Walker's dock, and requiring to be examined, where must she go to?—According to the present plan there is no other way but to go round by the Humber and up the old harbour.

5194. Having discharged her cargo, will it be necessary to take in ballast for that purpose?—Yes, if she is a tender ship, as they generally are.

5195. Will the taking in ballast and going round the Humber be attended with danger and expense?—Yes, surely; particularly at the back end of the year.

5196. Have you seen Mr. Rendel's plan for a steam pier and basin, and all those works?—Yes, I have.

5197. In your opinion, will the eastern part of that be useful for market-boats and steam-boats?—Yes, according to the plan.

5198. Is there good accommodation for them now?—No, very bad.

5199. Will this afford them good accommodation?—Yes, it will.

5200. The steam-boat pier you see marked opposite to the entrance to the Humber Dock; how many of the larger class steamers would that accommodate at a time?—Against the two breakwaters it would hold six; three on each side of the breakwaters.

5201. At the principal breakwater there would be room for three on each side?—On the outside it is not convenient to lie in; in bad weather it is very dangerous to lie there.

5202. Would their lying there have a tendency to deepen the water?—Yes, if they were moored in a proper direction fore and aft.

5203. In fine weather could not they use the outside?—Yes, to land their passengers.

5204. You see this basin is of a very large size; the outside part of that has a clear flow for the tide?—Yes.

5205. In your opinion, will that prevent its silting up?—Yes, it runs parallel with the tide.

5206. Are you aware that the steam-boats coming in stir up the mud with their paddles?—Yes.

5207. Do you apprehend any inconvenience from sloops coming out of the proposed dock, and steam-vessels going into the basin at the same time; cannot they avoid each other with a little care?—Yes, as well as they do here in the river.

5208. You do not apprehend any inconvenience of that kind from using Mr. Rendel's basin for discharging the timber-ships and sloops coming out with timber?—No, no more than the rafts coming out now.

5209. The steam-boats do not run over them?—No; and I do not think the rafts care whether they hit them or not.

5210. You do not apprehend much inconvenience from that?—No.

5211. We were talking of the formation of a cranch at the mouth of the new cut; you said you thought it would take half a century to do it; do you think carrying out Mr. Rendel's pier to low-water mark will have a tendency to pre-



*Thomas Lundy.*

29 June 1840.

serve the current of the passage into the tideway?—Everything carried out in that way is an obstruction to the mud warping up.

5212. Will it tend to prevent the cranch forming?—No, it will not.

5213. But a strong current coming out of the river, if the line was drawn straight, would carry the materials into the current of the Humber, and they would be dispersed?—Yes.

Cross-examined by Mr. *Hildyard*.

5214. You were a pilot, and you say you left that business because your eyesight was bad?—Yes.

5215. And they have put you into the observatory to make observations?—Yes, and a very good berth, too.

5216. You remember this accretion of mud; it is very rapid indeed; you remember that part with six foot water, and now it is six feet above high-water?—Yes.

5217. How did it get six feet above high-water?—It is at low-water.

5218. Of course, it is all the Dock Company's doings that this mud accumulates so?—I do not say it is their doings; it is their works.

5219. That is to say, amongst other things, it is putting the mud from the Humber Dock upon the spot where you say it is?—Part of it goes down the Humber Dock basin.

5220. A part of that belongs to the Corporation?—I do not understand you rightly.

5221. Do you not know that the Corporation had the land when it was so raised?—Yes, when it was excavated.

5222. They shot the mud upon the Corporation fore shore?—Yes.

5223. That is now built upon, and very beneficial to the Corporation?—That I have nothing to do with.

5224. Did they not build upon it?—Yes.

5225. Is it not very valuable?—It has been; I do not know that it is.

5226. You are connected now with the steam-boat ferry?—Yes, I am.

5227. Is not your pier in front of Nelson-street just planted in the middle of the old channel of the Hull river?—No.

5228. If they have brought us here a witness who has known the spot 40 years, and says it is planted in the channel of the old river, he is wrong?—Yes.

5229. Where did the water of the old channel go before that accumulation of excavated earth?—It turned out between the two dolphins, or near the last new dolphin.

5230. It ran eastward?—It ran southward.

5231. You could not come across to the spot where the Ferry-boat Dock is?—I believe it had nothing to do with that; it was a straight line along the river at low-water.

5232. It is this accumulation of mud behind the jetty, eastward of the jetty, that runs inside the mouth of the harbour?—It is in front of the citadel on the south side.

5233. Eastward of the garrison jetty?—Yes.

5234. Mr. *Reynolds*.] Do you know what depth of water there is now opposite the Hebbles?—At the deepest water, 10 fathoms.

5235. As you come up, what depth is there opposite Mr. Walker's entrance?—From three to five and seven fathoms.

5236. As you come up higher, where Mr. Rendel's cut is?—Five fathoms at low-water.

5237. Opposite the garrison?—That is where I mean when I say five fathoms.

5238. Opposite the mouth of the harbour?—Three fathoms and three fathoms and a half at low spring ebb.

5239. It is six or seven fathoms where Mr. Rendel's new cut will come in?—Yes.

5240. Mr. *Hildyard*.] The larger sized vessels will not be able to run into Mr. Walker's basin at low-water spring tides on account of the Hebbles?—No, it depends upon the wind; with the wind at north north-east, they would have to keep so far out to sea that they could not haul in again, and they would get above the port.

5241. You know the direction in which the basin is to open?—Yes.

5242. Is

Thomas Lundy.

29 June 1840.

5242. Is it right to have given the mouth of the basin a slant to the west?—I have nothing to do with the mouth of the basin, but it is in a dangerous position and too far to the eastward.

5243. Do you mean to represent, under ordinary circumstances, that a vessel coming in with the flood, let the wind be blowing from what quarter it will, cannot make that basin?—I know she cannot.

5244. Where would she run?—She would fetch the port higher up when she could not fetch that.

5245. What port would there be?—The old harbour or the Humber Dock.

5246. You represent that, under present circumstances, it would be easier to make the old harbour than Mr. Walker's new dock?—Yes.

5247. Is not the slant of the channel of the old harbour pretty much in the direction of Mr. Walker's basin?—No, it is more to the westward than what the other was; it is more to a south-west direction.

5248. Mr. Serjeant *Mercwether*.] Do you mean to say that the cranch is removed?—A part of it is gone, the top of it.

5249. Mr. *Hildyard*.] You mean to say—and mind what you are about—that the direction of Mr. Walker's basin is not as nearly as possible the same direction with the navigable channel to the larger class of vessels of the old harbour?—Yes, I do; they are nothing like each other.

5250. Look at the plan again, and tell me whether that plan is correct or not, merely with reference to the slant of Mr. Walker's basin and the slant of the old harbour? [*A Plan was handed to the Witness.*]—A short distance going in from low-water mark, the basin is nearly the same according to this plan.

5251. Will there be, in your opinion, any practical difficulty in making Mr. Walker's basin by a vessel, which, if they had not that basin to run to would run to the harbour?—Upon a north north-east wind the bend makes no difference in fetching it; she could fetch into the old harbour or the Humber Dock basin sooner than she could fetch that after she had cleared the Hebbles.

5252. In rough weather, are small vessels or large vessels most manageable, as far as hands and tackle go, excluding the depth of water?—The small vessels are more manageable in the Humber, generally.

5253. Leaving the depth of water out of consideration, which is the best found; which is the most manageable at sea?—I have nothing to do with the sea.

5254. Which is the best found in tackle and hands?—The smallest vessels, in general.

5255. Do you think that the mouth of the new cut is or is not a convenient harbour of refuge for small vessels running in in a storm?—Mr. Rendel's is a very good one for small craft.

5256. You do not apprehend, the wind being in the quarter I have named, that vessels running for refuge to Mr. Rendel's harbour will have the same difficulty to get in as in Mr. Walker's basin?—They do not run in the same track, they come down the river instead of up.

5257. Are there any vessels coming up the river?—Very few going up the Beverley river.

5258. Is not this new cut to be made the entrance into the old dock for vessels in the Beverley trade?—I can hardly give you an answer for what it is intended; I only come to prove the line of fore shore, and the danger of the entrance; I seldom have any thing to transact up the new cut, but I have up the old one.

5259. *Committee*.] There is no new cut?—There has been one before this time of day called Sawyer's creek.

5260. Does it exist now?—No, it has been filled up; it is in the history of Hull.

5261. Just point out on the plan where Sawyer's creek was?—It is just in the same direction; it came out about the direction of Sutton drain.

5262. Where did it hit the Humber bank?—Just east of the garrison.

5263. What has become of it?—It is filled up.

5264. What do you know about it?—Only reading it in the history of Hull.

5265. What history of Hull?—It is a very old one, without any title-page.

*Thomas Lundy.*

29 June 1840.

Re-examined by Mr. *Reynolds*.

5266. Where is it?—At Hull.
5267. Did you ever read Mr. Frost's History of Hull?—Yes.
5268. Did you read any thing of Sawyer's creek in that history?—Yes, I believe I did.
5269. Do you know how high the entrance is to Mr. Walker's dock?—No, I do not.
5270. Suppose it is 120 feet, is that wide enough?—No, it is not.
5271. Suppose Mr. Rendel's harbour to be 220 feet wide at the entrance, is that wide enough for the small craft?—It is.
5272. That would be better for the dock?—Yes, surely; all entrances ought to be wide enough for any ship that uses the port to swing round.
5273. I think you say that the Hebbles are very dangerous, and within a quarter of a mile of Mr. Walker's entrance?—Yes.
5274. That is the cause of the danger to his entrance?—Yes, going out and coming in.
5275. I think you stated that when they had got clear of the Hebbles, it would be easier for vessels to make the Humber Dock or the old harbour than Mr. Walker's dock, with safety?—Yes, with a north north-east wind, which is the time that many vessels come when the wind is in that quarter.
5276. The entrance to the harbour, you say, was between the two dolphins?—Yes.
5277. And the accumulation of mud has turned it the other way?—Yes, and the eddy of the tide from the piers.
5278. That is continuing to increase?—Yes; and it has got as far as it can do from the breakwater jetty.

Examined by the *Committee*.

5279. If I understand right, your objections to Mr. Walker's plan being so near the Hebbles is, that if a ship was to miss stays she would get upon the Hebbles?—Yes, if the wind is south south-west after high-water; it is with great difficulty they can clear the Hebbles now, and if they are turned adrift from the intended dock in the same way, she will get upon the Hebbles when the tide sets bodily upon it.
5280. You have said that the cranch that is formed at the mouth of the old harbour was 30 years forming?—Yes.
5281. Was there no cranch 30 years ago?—No, not within 80 yards of the same place.
5282. When were the piers of the Humber Dock basin and the extension of the earth in front of Nelson-street completed?—In about 1808.
5283. Has this extension of the cranch been entirely made since that?—Since the dock piers, and the earth was laid out.
5284. Do you consider that to have been the cause of the extension of the cranch?—A great part of it; if it had not been for those obstructions, no doubt the cranch would have spread out in different parts, but it meets the cross-tide coming out, and there it deposits.
5285. Do you not know that a considerable part of the cranch has been removed lately?—Yes.
5286. Has that been removed from that part that you say has increased?—Yes; I believe three feet has been taken off.
5287. Do you consider that as much of the cranch has been removed as to render the navigation as practicable as it was 30 years ago?—No, nor half.
5288. Does the cranch or any part of it dry at spring ebbs, since the work there left off?—It is as near as makes no matter; but I think it does not bare.

[The Witness withdrew.]

Mr.

Mr. *Robert Waterland* was called in ; and Examined by Mr. *Reynolds*,  
as follows :

5289. YOU are the captain of a Gainsborough steamer?—Yes. Mr. *R. Waterland*.  
 5290. How many years have you been the captain of a steamer?—About 29 June 1840.  
 20 years.  
 5291. Is there much trade with the steamers between Gainsborough and Hull?—Yes, a great deal, with passengers.  
 5292. Where do you generally land your passengers?—At the east pier.  
 5293. At the Humber Dock basin?—Yes.  
 5294. Can you get there at all times?—No.  
 5295. At what time do you ~~not~~ get there?—At low spring ebbs.  
 5296. How are you obliged to land your passengers there?—Obliged to wait till the tide flows again.  
 5297. Does it happen frequently?—Every spring.  
 5298. Is there any other place where you could land them at that time?—No.  
 5299. When you cannot land your passengers, do your passengers always remain on board?—No ; some boat off, and some remain on board.  
 5300. Do you lighter them ever?—Yes ; sometimes they have four or five packets to walk over, and with planks.  
 5301. And sometimes the swell is heavy upon that pier?—Yes ; it breaks heavy at times.  
 5302. What wind is it?—With a wind to the southward and south-east.  
 5303. Where do they go then?—Into the dock basin.  
 5304. Do they frequently go into the harbour?—Yes, when the dock basin is thronged.  
 5305. Have you seen Mr. Rendel's plan for a dock?—Yes.  
 5306. For the steam-boat accommodation?—Yes.  
 5307. With those piers standing out, in your opinion, will it be a convenient plan?—Yes ; these breakwaters will be the means of breaking off the sea.  
 5308. Can you land your passengers afloat then?—Yes, when there is water at the pier-head.  
 5309. I understand there will be always water here, seven or eight feet water ; will it be a convenient place for you to land and embark your passengers?—For the large steamers.  
 5310. Where do the large steamers go?—We should go to the Vittoria.  
 5311. That is on the east side of the Ferry-boat Dock?—Yes.  
 5312. Would that be a convenient place?—Yes.  
 5313. And give you the accommodation you have not?—Yes, according to Mr. Rendel's plan.  
 5314. Have you seen Mr. Walker's plan?—Yes.  
 5315. Is there any accommodation of that kind there?—The steam-boats would never go there ; it is too far from the town.  
 5316. And they would have three-quarters of a mile to walk for shelter?—They would have nearly two miles, from the entrance of the dock-basin to the market.  
 5317. They would have to go round the basin, and over the North-bridge?—Yes.  
 5318. That would not be a convenient place for your passengers?—No.  
 5319. Are you acquainted with the coast eastward of Hull?—Yes.  
 5320. You have heard what Mr. Lundy has said?—Yes, about the Hebbles.  
 5321. Do you agree with him?—Yes.  
 5322. Do you consider the Hebbles a dangerous place?—Yes ; I have known a vessel upset over them.  
 5323. In your opinion would there be a difficulty for a large vessel to get into Mr. Walker's basin with a north-east wind?—Yes, without the assistance of a steam-boat ; the Hebbles lie so far off.  
 5324. Would there be as much danger for the small vessels as large ones?—No, they do not draw so much water.  
 5325. If I understand you rightly, the difficulty is to avoid getting upon the Hebbles, and in endeavouring to get into the basin?—Yes.  
 5326. But no such difficulty would exist in this large basin in Mr. Rendel's plan?—No ; there would be more distance for the ships to get under way ; they

Mr. R. Waterland. would get their canvas set, and get speed upon them before they got down to Mr. Walker's.

29 June 1840.

5327. I see that this basin is marked so as to let the tide go through; would that keep it clear of mud?—Yes.

5328. Your steamers could run into a basin of this description with their paddles going?—Yes.

5329. And turn and sweep round?—Yes.

5330. That would sweep up the mud at the bottom?—Yes; the paddles are frequently going there.

Cross-examined by Mr. Hildyard.

5331. What vessel have you been captain of?—One of the Gainsborough boats.

5332. Who is the owner?—There are a great many proprietors.

5333. Is a gentleman of the name of Smith one of the principal proprietors?—Yes, he has shares in them; I do not know how many.

5334. That Mr. Smith is the brother of Mr. Smith here?—Yes.

5335. Are any more of his men coming?—Not that I know of.

5336. You do not suppose that Mr. Walker intends his basin for your Gainsborough craft?—I do not think he does; not for the river steam-boats.

5337. You do not imagine it?—No.

5338. The Ferry-boat Dock here, just in the front of Nelson-street, would have been a convenient thing for the river steamers?—Yes, provided it was kept in order; and we want more room in it.

5339. Suppose a ferry-boat dock was made upon the site of Nelson-street, it would be a convenient place?—There is not room for them; there is no room for the breakwater, as it is; there is only 100 feet from the wharf to the jetty.

5340. Suppose a Ferry-boat Dock was made here in Nelson-street, this would be a very convenient site?—Yes.

5341. Are you aware that the Act required the Corporation of Hull to make such a dock upon that very land?—No, I am not.

5342. How many vessels are there; I do not want to know to one or two; are there a great many river steamers?—Yes.

5343. How many are there that frequent the town of Hull?—Upwards of 60 or 70, I should think.

5344. Do you know the number of the largest class which cannot get through the present lock of the Humber Dock?—No; I know part of them.

5345. How many are there?—I know five of them, myself.

5346. You said it would be two miles from Mr. Walker's dock, to what place?—To the market-place, nearly to the statue.

5347. How far would it be from the Custom-house; nearly the same?—Not so far as from the statue.

5348. Not much difference, at all events?—Not a great deal.

5349. If it is a short mile from the Custom-house to the extreme part of Mr. Walker's dock, do you think you are not wrong in saying it is two miles to the market-place?—It is well on towards that from the water-side to the market.

5350. Is there not a very great population in Wincom-lee and that part of Sculcoates that lies on the opposite side of the river?—Yes; but what number I cannot say.

5351. Of the passengers who go in one of these large steamers, there will be four or five times as many steerage passengers as first-class passengers?—Yes.

5352. Probably a greater proportion than that?—Yes.

5353. Of that class of passengers of the lower orders, a good number will be going into that district of the town?—No; the generality of them will go by the river steamers.

5354. Are there not a great many who live at Hull that go by the large steamers?—No; the majority of them go up the river.

5355. You mean there is not such a large proportion of passengers of the lower class in the London steam-boats as in your steam-boats?—No, they generally go on.

5356. However, for that class likely for persons living in the port, it would be as convenient to them to be landed at Mr. Walker's dock as in the front of Nelson-street?—That is where all the river steamers lie.

5357. Would

5357. Would not they go along by the garrison, and go along to Wincom-  
lee and Sculcoates; would it not be as convenient to them that they should  
land here as there?—Those who want to get into Drypool; many want to go on  
to the Potteries as well, and it is a long way from there.

Mr. R. Waterland.

29 June 1840.

Re-examined by Mr. Reynolds.

5358. But we understand that Mr. Walker's dock was not intended for river  
steamers; do you not think it very desirable that they should be accommodated  
somewhere?—Yes, they ought to be; we pay for accommodation.

5359. Do you not think it better for them that they should land their pas-  
sengers lying afloat?—Yes, the boats strain a good deal lying a-ground.

5360. My learned friend has asked you many questions about the distance  
being two miles; if it is not two miles, will not it be a long walk to get up to  
the market?—Yes, to carry butter and eggs, and such like.

5361. It is a longer walk than they like to take?—Yes.

5362. *Committee.* Have you heard passengers on board your Gainsborough  
boats, in conversing about the docks, object to the distance they would have to  
go if they were landed where Mr. Walker's dock is placed?—No, there is not  
one of them that know any thing about it; once a week we bring 400 people  
for Hull market, and they want to be brought as near as possible, and they could  
not carry their things round there well without some complaint.

[The Witness withdrew.]

[Adjourned till To-morrow, at Twelve o'clock.]

*Martis, 30<sup>o</sup> die Junii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

Mr. Serjeant *Merewether* delivered in the following Paper:—

To the Right honourable the Chancellor of Her Majesty's Exchequer.

30 June 1840.

The MEMORIAL of the Dock Company at Kingston-upon-Hull, incorporated by Act of  
Parliament passed in the 14th George 3;

Sheweth,—That your memorialists were induced, in the year 1774, at the pressing  
instance of Government, to undertake, at their own expense and risk, to make a dock,  
with a legal quay, at Hull, that port alone having been excepted out of the Acts of 1st of  
Elizabeth and 14th Charles 2, passed for the establishment of legal quays in all the ports of  
England (except Hull), in order that the revenue might be protected by affording the neces-  
sary facilities for the proper collection of the duties of Customs at the port.

That your memorialists were induced to enter upon that undertaking in consideration of  
a grant being made to them of a part of the military works of the town, and a sum of  
15,000*l.* to be paid out of the Customs, and also of certain rates or duties on ships and ves-  
sels frequenting the port, and of wharfage on goods landed on the quays of the dock; and the  
agreement entered into by the Government on the one part, and the Company on the other  
part, was ratified by the Legislature, under the provisions of the Act of Parliament above  
mentioned (14 Geo. 3, c. 56).

That your memorialists accordingly made a dock at the port of Hull, containing 9*A.* 3*R.*  
29*P.*, with a legal quay adjoining thereto, and with every requisite and convenience for the  
protection of the revenue.

That the said dock was open to the public in the year 1778, and having been duly sur-  
veyed, a certificate was granted by Government, declaring that your memorialists had not  
only performed their contract in every respect, but that they had done considerably more  
than their engagements required of them.

That in the year 1805, in consequence of the increased trade of the port, your memorial-  
ists, under the authority of another Act of Parliament (42 Geo. 3, c. 91), made an additional  
dock at Hull, called the Humber Dock, containing 7*A.* 0*R.* 24*P.*, which was completed  
in the year 1809, at the joint expense, in moieties, of your memorialists and of the Corpora-  
tions of the mayor and burgesses of the town, and the Trinity House at Hull, to which two  
last-mentioned Corporations a grant was made by Government of a further part of the military  
works at Hull, to enable them to defray their proportion of the expense of making the said  
dock.

That the total expense of making the said last-mentioned dock was 233,000*l.*, and your  
memorialists were obliged, for the purpose of assisting them in providing their moiety of this  
sum, not only to avail themselves of the power given to them by the said Act of the 42  
Geo. 3, c. 91, to create and sell 30 new shares in the undertaking (the original number of  
shares being 120), but also to obtain authority, through another Act of Parliament obtained

30 June 1840.

by them (45 Geo. 3, c. 42), to create and sell 30 more new shares in the undertaking, the money raised by the sale of the 30 shares already created and sold, and borrowed upon the credit of the common seal of the Company, being found inadequate to defray their proportion of the expense of making the said dock.

That the new shares thus created produced 82,390 *l.*, being on an average 1,373 *l.* per share.

That under the 62d section of the Act 14 Geo. 3, c. 56, your memorialists were required, when the average of tonnage of the vessels using the port should bear a certain proportion to the area of the docks then made and intended to be made, to make another dock, but such enactment was accompanied by an express proviso contained in the Act, that they should not be compellable to do so until one-half of the expense of making such dock and of the purchase of land for the purpose should be "first secured to be paid to the said Dock Company, when and as the same should be wanted."

That from an ambiguity in the said Act, it did not appear by whom the half of the expense of making the additional dock was to be provided, but the merchants and inhabitants of the town in the year 1825, in consequence of further dock accommodation being then required, determined to raise the required moiety by levying, through commissioners, an additional rate on the shipping frequenting the port, equal to one-tenth of the amount of the dock dues then received, and certain duties upon goods.

That a Bill was accordingly in that year introduced into Parliament for carrying the last-mentioned arrangement into effect, and for making a third dock, but, in consequence of the introduction into the Bill, when before a Committee of the House of Commons, at the instance of parties opposed to the measure of a clause materially abridging the rights of your memorialists, the bill was reluctantly withdrawn.

That in the following year (1826) your memorialists, being anxious to afford every accommodation in their power to the trade of the port, commenced the making, at their own expense, of a third dock, forming a communication between the two existing docks, called the Old Dock and the Humber Dock.

That the said last-mentioned dock, called the Junction Dock, was completed in the year 1829, at the expense to your memorialists of not less than 164,000 *l.*

That the said dock was surveyed by the late Thomas Telford, Esq., civil engineer, under the directions of Government, to whom he reported that the same would render the port of Hull one of the most complete ports in the kingdom.

That to enable your memorialists to defray the expense thus incurred, loans were obtained by them from the Exchequer Loan Commissioners, and from other parties, to the amount of 131,000 *l.*, of which debt upwards of 73,000 *l.* remained unpaid at the close of the year 1838, the sum of 42,850 *l.*, part thereof, being owing to the Exchequer Loan Commissioners.

That since the introduction into navigation of the larger class of steam-vessels, considerable inconvenience has been experienced in the port of Hull, on account of the present lock-entrance into the Humber Dock, though wider than the lock-entrance into the old dock, and capable of admitting ships of war of 50 guns, not being of sufficient width to allow the larger steam-vessels, now partly employed in carrying on the trade of the port, to make use of the docks.

That an increase of trade at the port of Hull has created an urgent demand for additional quay room, with sheds, bonding warehouses, and bonding yards and ponds for timber, deals and iron, with other conveniences for the expeditious loading and delivery of ships and vessels, and the conducting of business in an easy and safe way by the officers of Her Majesty's Customs.

That your memorialists are desirous of providing the further accommodation required, so far as the same may be compatible with their means.

That your memorialists, in anticipation of being placed in a situation which may enable them to provide the accommodation required, have, at considerable expense, procured from James Walker, Esq., and William Cubitt, Esq., civil engineers, plans and estimates for a new dock, and also for an additional entrance into the Humber Dock for the admission of the larger class of steam-vessels, from which it appears that, to afford the accommodation and increased dock room contemplated by your memorialists, they must necessarily subject themselves to an expenditure, notwithstanding their present debt of 73,000 *l.*, of not less than from 200,000 *l.* to 250,000 *l.*

That a piece of land offering the most favourable site, in the opinion of your memorialists, for a new dock, situate to the east of the citadel of Hull, and containing about 54½ acres, being on sale, and its value hitherto not being enhanced by buildings erected thereon, your memorialists have entered into a conditional contract for the purchase thereof, at the sum of 36,000 *l.*, provided your memorialists can obtain authority, either under a license from the Crown, or through the provisions of an Act of Parliament, to purchase and hold the same without incurring the penalties of the statutes of mortmain.

That the before-mentioned Act of the 14 Geo. 3, c. 56, after specifying the rate of tonnage to be paid to your memorialists in respect of the voyages to be performed, enacted that there should be payable to them for every foreign ship or vessel coming to or going (with merchandize) from any of the above-named ports or places, double the rates, tonnage or duties above mentioned, unless the said ships belong to British owners.

That a considerable proportion of the tonnage duties payable to your memorialists in respect of ships and vessels using the port of Hull, consists of such double dues as last mentioned, a moiety whereof, in respect of ships and vessels belonging to countries now under treaties of reciprocity with Great Britain, has, for the last 15 years, been paid to your memorialists by Government.

That



30 June 1840.

That the dues received by your memorialists for foreign ships and vessels not owned by British subjects may be divided into three classes, viz. those of which a moiety is paid to your memorialists by the Honourable Commissioners of Her Majesty's Customs.

Those received in respect of American vessels, of which a moiety has been paid to your memorialist by Jacob Herbert, Esq. of the Trinity House, at Deptford Strond.

And those received for foreign vessels of every other description, the entirety whereof is received by your memorialists from the masters or agents of the vessels.

That your memorialists are ready and willing to treat with Government for the sale of a moiety either of the whole of their double dues or of such part of them only as are payable in respect of ships and vessels belonging to countries now under treaties of reciprocity with Great Britain, provided that, in the latter case, your memorialists may be enabled to obtain the authority of Parliament, if necessary, to purchase and hold the land conditionally contracted for by them, and to provide the further necessary dock accommodation, without incurring the forfeiture of the moiety which shall not be purchased by Government of the double dues last mentioned.

That your memorialists submit, that a precedent is afforded for the purchase by Government of a moiety of the double dues before mentioned in the purchase made by them, and sanctioned by Act of Parliament (3 & 4 Will. 4), from the Corporation of the City of London, of the duties of package, scavage, balliage and portorage heretofore payable to that Corporation.

That your memorialists are willing, in case the same shall be deemed expedient, that the purchase-money for such moiety of your memorialists' double dues as shall be purchased by Government shall be paid and satisfied to your memorialists in the following manner; that is to say, as to part thereof by the liquidation of the debt owing by your memorialists to the Exchequer Loan Commissioners, and as to the remaining part thereof by Exchequer bills, payable by instalments, at such future time or times as may be agreed upon.

STATEMENT to accompany Memorial to the Honourable the Chancellor of Her Majesty's Exchequer, from the Dock Company of Kingston-upon-Hull.

The first, or old dock, was completed in four years (1778) from the passing of the first Dock Act (14 Geo. 3, c. 56), although seven years were allowed by that Act for the completion thereof, and although the rates or duties of tonnage thereby granted to the Dock Company were made payable from and after the 31st day of December 1774, for all ships and vessels coming into or going out of the harbour, as well as the basin or docks within the port of Kingston-upon-Hull.

The original shares in the undertaking were 120 in number, in respect of which the holders advanced in cash only 250*l.* each; but in addition thereto, the whole of their receipts for tonnage duties, during the years 1775, 1776, 1777, 1778 and 1779, amounting to the sum of 18,128*l.* 9*s.* 1*d.*, instead of being divided among them, was applied towards defraying the expense of making the old dock.

In the years 1803, 1804, 1805 and 1806, sixty new shares, created under the provisions of the Acts of 42 Geo. 3, c. 91, and 45 Geo. 3, c. 42, were sold for (together), 82,390*l.* amounting on an average to 1,373*l.* per share.

	£.	s.	d.
The expense of making the first or old dock (completed in 1778) was -	64,588	16	11
Towards which the Dock Company received, out of the Custom-duties at the Port of Hull, under the 28th section of 14 Geo. 3, c. 56 - -	15,000	-	-
Leaving a balance paid by the Dock Company for making the first dock (amounting to 413 <i>l.</i> 4 <i>s.</i> 9 <i>d.</i> per share) of - - - - -	49,588	16	11
The expense of making the Humber Dock (completed in 1809) was - - - - -	233,086	19	6
Amount of contribution by the Corporations of mayor and burgesses and Trinity House at Hull - - - - -	117,030	16	3
Leaving a balance (being the sum paid by the Dock Company as their proportion of the expense of making the dock) of - - - - -	116,056	3	3
Expense of making the third or Junction Dock (completed in 1829) which was wholly defrayed by the Dock Company - - - - -	164,007	18	1

The dividends upon each of the original 120 shares, from the opening of the first dock in 1778 to 1802, both inclusive, being 25 years, amounted to 1,352*l.*, being on an average 54*l.* 1*s.* 10*d.* per annum on each share.

The dividend on 135 shares in 1803 (in which year 15 new shares were created) was 110*l.* 7*s.* 8*d.* each share.

The dividend on 150 shares in 1804 (in which year 15 more new shares were created) was 98*l.* 4*s.* 6*d.* each share.

The dividend on 155 shares in 1805 (in which year five more new shares were created) was 72*l.* 15*s.* 10*d.* each share.

The dividends on 180 shares from 1806 (in which year 25 more new shares were created) to 1838, both inclusive, being 33 years, amounted together to 1,398*l.* 4*s.* 7*d.* each, or, on an average, 42*l.* 13*s.* 5*d.* per annum upon each share; the original cost of 60 of such shares having been, as before mentioned, 1,373*l.* upon an average.



30 June 1840.

The following is an account of the moiety of the double dues paid in respect of foreign vessels during the last 15 years, distinguishing the proportions paid out of Her Majesty's Customs, by Jacob Herbert, Esq., of the Trinity House at Deptford Strond, and by the masters or owners of foreign vessels belonging to countries not under treaties of reciprocity with Great Britain.

YEAR.	Total Amount of one Moiety of Double Dues.			Proportion paid out of Her Majesty's Customs.			Proportion paid by Mr. Herbert for American Vessels.			Proportion paid by Masters or Agents of Foreign Vessels for one Moiety.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1824 - -	3853	2	1	1541	12	6	61	12	-	2249	17	7
1825 - -	5330	5	1	4245	15	2	99	15	-	984	14	11
1826 - -	4163	4	11	3425	4	6	104	18	3	633	2	2
1827 - -	3928	13	-	3388	18	4	33	8	6	506	6	2
1828 - -	2761	13	5	2719	8	4	42	-	-	468	5	1
1829 - -	3069	3	2	323	14	7	48	9	6	321	19	1
1830 - -	2782	18	8	248	18	6	15	2	6	284	17	8
1831 - -	3908	15	3	3489	17	1	38	1	9	380	16	5
1832 - -	2494	9	6	2197	4	2	-	Nil	-	297	5	4
1833 - -	3454	2	8	3037	4	8	7	12	6	409	5	6
1834 - -	3387	1	7	2673	3	-	72	9	-	641	9	7
1835 - -	4303	19	3	3573	8	-	20	13	-	709	18	3
1836 - -	5487	16	4	4570	7	11	-	Nil	-	917	8	5
1837 - -	5331	10	-	4177	10	7	37	10	9	1116	8	8
1838 - -	6275	2	10	5487	13	1	57	15	9	729	14	-

*Memorandum.*—With this statement are left prints of the Dock Acts; (*viz.*) 14 Geo. 3, c. 56; 42 Geo. 3, c. 91; and 45 Geo. 3, c. 42.

Print of the Act of 3 & 4 Geo. 3, c. 66, authorizing the purchase by Government of the package and other duties belonging to the Corporation of London.

Plan of the town of Hull, showing the situation of the docks and of the piece of land belonging to Messrs. Raikes, and conditionally contracted to be purchased by the Dock Company, the latter being coloured pink and green.

Account of the receipts and disbursements of the Dock Company for the year ending 31 December 1838.

To the Right Honourable the Chancellor of Her Majesty's Exchequer.

THE Memorial of the undersigned persons, being the Committee chosen at a general meeting of the owners of property in warehouses, yards, quays, wharfs, dwelling-houses, lands and tenements bordering upon the River Hull, commonly called the Old Harbour, held at the Mansion-house in the Borough of Kingston-upon-Hull, on Wednesday the 30th day of September 1835; the worshipful the Mayor in the chair;

Sheweth,—That your memorialists have seen with surprise a copy of a memorial and statement addressed to you on behalf of the Dock Company at Kingston-upon-Hull, proposing to treat with Government for the sale of what are called the double dues, and to obtain the authority of Parliament to purchase and hold 54 acres and a half of land, without incurring the penalties of the statutes of mortmain.

That your memorialists are desirous of submitting the following observations and statements in reply to the memorial and statements of the Dock Company, every one of which observations and statements your memorialists are ready to verify.

That the Dock Company, as they state in their memorial, did undertake, in the year 1774, to make a legal quay at Kingston-upon-Hull, for the better securing his Majesty's revenue of Customs, and for the benefit of commerce in the port of Kingston-upon-Hull, and a basin or dock for the accommodation of vessels using the said port; but not, as they have alleged in their memorial, at their own expense and risk.

That the Dock Company have not truly and fully set out and declared, in their memorial and statements, all the aid and assistance, advantages and benefits, which they obtained from the Crown and Legislature, under pretence of enabling them to complete their said undertaking.

That the Dock Company at Kingston-upon-Hull was incorporated by the 14 Geo. 3, c. 56.

That the Dock Company, by that Act, not only obtained a grant of Crown lands, consisting of the ancient fortifications of the town of Hull, extending in length more than one mile, a grant of 15,000 *l.* payable out of the Customs, and certain rates or duties on ships and vessels frequenting the port, payable absolutely for the period of seven years, and after that term contingently upon the completion of the quay and dock, and of wharfage on goods

30 June 1849.

goods landed on the quays of the said dock, but were further authorized and empowered by the 67th and 80th sections of the said Act to purchase and hold, without incurring the penalties of the statutes of mortmain, any quantity of freehold lands, tenements and hereditaments, without stint or limitation, during the progress of the said undertaking, and to sell the same or any part thereof again after its completion, as will more fully and at large appear upon reference to the said Act (14 Geo. 3, cap. 56, ss. 67, 80.)

That the Dock Company were also authorized and empowered by the said Act to raise among themselves the sum of 80,000 *l.* in 160 shares of 500*l.* each share, and to borrow the further sum of 20,000*l.* by assignment of the several rates and duties secured to them by the said Act.

That the above-mentioned sum of 15,000 *l.* was secured to be paid to the Dock Company by three instalments of 5,000*l.* each, two of such instalments to be payable during the progress of the said undertaking, and the third after its completion.

That a period of seven years was allowed for the completion of the said undertaking, during which term the Dock Company were authorized and empowered to collect and receive, and it appears by their own statement that they did collect and receive, the rates and dues upon ships and vessels frequenting the port granted to them by the said Act.

That if the Company failed to complete their undertaking within seven years, the land granted to the Dock Company was, by the said Act of Parliament, to revert to the Crown; but no provision was made for the repayment of the two first instalments of 5,000*l.* each, nor for the return of the rates and dues collected during the period of seven years by the Company, so that in the event of failure to complete the said quay and dock, the land alone would revert to the Crown; but the Company would retain the sum of 10,000*l.* paid to them out of the produce of the Customs and the whole of the rates and dock dues collected by them during the term of seven years.

That these extraordinary and valuable rights, privileges and profits were granted to the Dock Company upon a representation that the expense of making the said quay and dock would amount to the sum of 115,000 *l.*; whereas it appears by the memorial and statement of the Company that the whole of the cost of the said quay and dock only amounted to the sum of 64,588 *l.* 16*s.* 11*d.*

That it appears by the statement of the Dock Company that the original shares in the undertaking were 120 in number, of 500 *l.* each, in respect of which the holders advanced in cash only 250 *l.* each, making in all the sum of 30,000 *l.*

That the Dock Company made such free use of the privilege of purchasing land granted to them by the 67th section of the said Act, that they expended 11,598 *l.*, part of the above sum of 30,000*l.* in such purchases; and that they resold a small portion of the land so purchased under the powers conferred upon them by the 80th section, for the sum of 11,937 *l.*, within a few years after the completion of the said quay and dock, that is to say, in 1787, and divided that sum among themselves two years after, as may be seen certified by reference to the circular and statement of account signed by the chairman of the Dock Company, a copy of which is left herewith; so that the cash advanced by the members of the Company from their own proper funds towards the completion of the said quay and dock only amounted to 18,402 *l.*, or 153 *l.* 6*s.* 8*d.* per share.

That it appears by the account of the receipts and disbursements of the Dock Company for the year ending 31st December 1838, left with the said memorial and statement, that the rents of the remaining portion of the lands and tenements so purchased by them now amount to 3,262 *l.* 10*s.* 3*d.*

That if it be true, as alleged in the statement of the Dock Company, that the first quay and dock cost the sum of 64,588 *l.* 16*s.* 11*d.*, a statement which your memorialists have no means of verifying, it appears that the Company only contributed to it the sum of 18,402 *l.*, while the Crown, the Legislature and the public not only gave them the land upon which the said quay and dock were constructed, but also contributed the enormous sum of 46,186 *l.* 16*s.* 10*d.*, or very nearly three-fourths of the whole cost.

That notwithstanding these facts, the greater part of which appear upon the face of their own statement, the Dock Company have not only asserted in their memorial that they undertook the said works at their own expense and risk, but they ventured to allege in their statement that they expended upon those works the sum of 49,588 *l.* 16*s.* 11*d.*; that is to say, 19,588 *l.* 16*s.* 11*d.* more than they say in the first paragraph of their statement that they had paid up on account of their subscribed capital.

That it appears, by the statement of the Dock Company, that the dividends upon each of the original 120 shares, from the opening of the first dock in 1778 to 1802, both inclusive, being 26 years, amounted to 162,284 *l.* 13*s.* 8*d.*, or more than 35 *l.* per cent. per annum upon the capital paid up by the Company.

That it appears, by the statement of the Dock Company, that the

Humber Dock completed in 1809, cost the sum of - - - £233,086 19 6

Towards which the Corporations of the mayor and burgesses and the Trinity House (being aided by a grant of land from the Crown), contributed - - - £.117,030 16 3

And that 60 additional shares of 500*l.* each, in the capital stock of the said Company were then created and sold for the average sum of 1,373 *l.* 3*s.* 4*d.* each, producing the sum of - - - 82,390 - -

TOTAL - - - 199,420 16 3

Leaving a balance of - - - £.33,666 3 3

30 June 1840.

Which sum, as in account is given in the statement of how it was obtained, was probably paid out of the produce of the rates and duties granted by the said Act.

That it appears by the memorial and statement of the Dock Company, that in the year 1826 the Company undertook to construct a third or Junction Dock, situated between the first dock and the Humber Dock, and that they afterwards completed the same at the expense of 164,007*l.* 18*s.* 1*d.*, of which sum 90,904*l.* 2*s.* 9*d.* has been paid by the Company out of the rates and duties granted to them by the said Act (14 Geo. 3, c. 56), and they still stand indebted to the Exchequer Loan Commissioners and others in the sum of 73,103*l.* 15*s.* 1*d.* That adding the sum of 33,666*l.* 3*s.* 3*d.*, contributed by the Company out of the produce of the rates and duties towards the cost of the Humber Dock, to the above sum of 90,904*l.* 2*s.* 9*d.*, they make together the sum of 124,570*l.* 6*s.* contributed by the Company out of the produce of the rates and duties towards the construction of these two docks, between the years 1802 and 1839.

That it appears by the statement of the Dock Company that between the years 1802 and 1839, being a period of 36 years, the Company, notwithstanding the expenditure of the said sum of 124,570*l.* 6*s.*, have divided amongst themselves the sum of 274,530*l.* 14*s.* 10*d.*, being at the rate of 42*l.* 7*s.* 4*d.* per share per annum, the original cost price of 120 of which shares only amounted to 153*l.* 6*s.* 8*d.* per share, and the dividends thereon, being therefore at the rate of 27*l.* 10*s.* per cent. per annum.

That the capital stock of the Dock Company is 90,000*l.* divided into 180 shares of 500*l.* each, and that the dividends declared and paid during the above period of 36 years, average 7,653*l.* 12*s.* 7½*d.* per annum, being at the rate of 8*l.* 14*s.* 6*d.* per cent. per annum. That the dividends declared and paid for several years now last past amount to 12*l.* per cent. upon the capital stock of the Company.

That it appears by the statement of the Dock Company that the first dock cost	-	-	-	-	-	-	-	-	-	-	£.64,588	16	11
That the Humber Dock cost	-	-	-	-	-	-	-	-	-	-	233,086	19	6
That the Junction Dock cost	-	-	-	-	-	-	-	-	-	-	164,007	18	1
TOTAL cost of three docks											£.461,683	14	6

That the Company contributed towards the first dock	-	£.18,402	-	-
That they created and sold 60 shares of 500 <i>l.</i> each, in their capital stock, and gave the produce to the construction of the Humber Dock	-	-	82,390	-
TOTAL contributed by the Company	-		100,792	-

And that the Government, the Legislature and the public contributed in grants, rates and dues upon shipping and commerce and loans (in addition to the grant of the fortifications of the old town) the balance	-	-	-	360,891	14	6
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That from the preceding statements (the whole of which, with the exception of the facts relative to the purchase and sale of land by the Dock Company, are taken exclusively from the memorial and statement of the Company and the documents left by them therewith) it appears that the profits, emoluments and advantages already acquired by the Dock Company at the expense of the public, far exceed any thing of which we have a recorded instance.

That your memorialists earnestly deprecate the concession of any new privilege or extended rights or powers to a Company who have already profited so largely by the liberality of the Crown and public, and whose boast it is that they hold what they have obtained for their own sole use and benefit.

That the Dock Company did in the year 1825 introduce a Bill into Parliament intended to subject the trade of the town and port to new and exclusive charges under pretence of enabling the Company to construct a new dock, but that the parties whom your memorialists represent petitioned Parliament against that Bill, on the ground that it was unjust that those who derive no benefit or advantage from the docks should be compelled to pay towards their support, and a clause was consequently introduced into the Bill in Committee by the Earl of Durham, then Mr. Lambton, to exempt all ships and vessels sailing from or to any port or haven within the United Kingdom from the payment of dock dues, unless they actually entered the docks, upon which the Dock Company withdrew the Bill, and afterwards constructed the Junction Dock, being aided by a loan from the Exchequer Loan Commissioners.

That the resolution of the Committee of the House of Commons in 1825 is a precedent for the Government and Legislature of the present day to extend the proviso to all ships or vessels without exception, the principle of protection being the same in all cases; and that since the Dock Company now seek an extension of their powers, the Government and Legislature may with perfect equity impose upon the Company such terms as may appear to be advantageous to the public.

That the land which the Dock Company now ask permission to purchase greatly exceeds what can be required for the construction of a dock, with entrance basin, and all the necessary and usual appendages; that it is situated for a considerable distance along the shore of the Humber to the eastward of and adjoining to the citadel; and, owing to the Railway Company having obtained possession of nearly the whole of the fore shore on the west side of the town and port, the land for which the Dock Company have made a conditional bargain

30 June 1840.

gain is the only land on the shore of the Humber in the neighbourhood of the port applicable to the construction of wet and dry docks and slips for careening and repairing ships, building yards and other naval establishments.

That the town and port will be seriously injured if the Dock Company be permitted thus to monopolize the whole of the fore shore on the east of the town, the Railway Company having done the same on the west side.

That the object of the Dock Company in seeking permission to purchase so much more of this favourably situated land than can be required for the construction of a dock, is to make a profit of it by the sale of part of it, and that it is manifestly contrary to good policy thus to permit private companies, incorporated for special purposes, to become land-jobbers.

That it would conduce far more to the prosperity of the town and port, and to the general advantage of trade, if the Dock Company were to surrender their supposed right of collecting dock dues upon ships and vessels not entering or making use of their docks, than if they obtain the authority of the Legislature for making a new dock, and thus fix the yoke of their monopoly upon the necks of the merchants and ship-owners of Hull for ever.

That your memorialists are not desirous of depriving the Dock Company of any of their rights or privileges which they now hold, and to which time may seem to have lent a sanction, if not a title, without paying them a fair and equitable compensation for the same.

That if the Dock Company will consent to surrender their claims to dock dues upon ships which do not actually enter their docks for the purpose of trade, your memorialists are willing to submit to your decision, and that of the President of the Board of Trade, the sum to be paid to the Company in compensation for those claims.

That your memorialists humbly pray that the sum so fixed to be paid to the Company may be advanced by the Government in such manner as may be hereafter determined upon; and your memorialists propose to subject all vessels frequenting the port of Hull for the purpose of trade, but not entering the docks of the present Company, to one moiety of the dock dues which may at any time be charged by the Dock Company upon ships making use of their docks, to form a fund for the re-payment of the money so advanced by the Government, the said half dues to cease whenever the money advanced shall be fully repaid, with interest thereon.

But your memorialists humbly pray that, taking the preceding statements into your consideration, you will not treat with the Dock Company for the purchase of the double dues apart from the claims of the Company to collect dues upon ships which do not make use of their docks for the purposes of trade.

Mr. *Hildyard* proposed to put in the final reply of the Dock Company, which would complete the correspondence upon the subject, and form part of the evidence of the Petitioners against the Bill.

Mr. Serjeant *Merewether* objected to the document in question being considered a part of the evidence of the Petitioners, not having yet had an opportunity of reading the paper.

Upon the suggestion of the Committee, further discussion upon this document was postponed until Mr. Serjeant *Merewether* had had an opportunity of seeing the document.

Mr. Serjeant *Merewether* inquired whether Mr. *Hildyard* admitted the resolution of the Dock Company in 1795, a copy of which was produced by Mr. Serjeant *Merewether*.

Mr. *Hildyard* objected to the document now produced being received as evidence, without other documents being produced at the same time bearing upon the same subject.

Mr. Serjeant *Merewether* inquired whether Mr. *Hildyard* would produce the books of the Dock Company containing the resolutions.

Mr. *Hildyard* replied in the affirmative.

A Bill of 1787, for enlarging and extending the basin of the dock at Kingston-upon-Hull, was delivered in.

Also the following address of the Dock Company at Kingston-upon-Hull to the merchants, ship-owners and others concerned in the trade and shipping of the port.

Various reports having been industriously circulated with an intent to induce the public to believe that the Dock Company of Kingston-upon-Hull are averse to the making of another dock, the Dock Company, in order to show that such reports are totally without foundation, submit the following facts to the serious and impartial consideration of such merchants, ship-owners and others as are interested in the trade of the port. By an Act passed in the 14th year of the reign of his present Majesty, the Dock Company at Kingston-upon-Hull were required, within the space of seven years from and after the 31st

30 June 1840.

of December 1774, to make "a basin or dock to extend from the river Hull to a certain place in the town of Kingston-upon-Hull, called the Beverley-gates, or as near thereto as conveniently might be, and to make the same in all parts equal in depth to the bed of the river, or at least within 15 inches of the same, for the admission of loaded ships, and of such width at the least as the ground granted by that Act would admit;" and in order to facilitate the execution of the work, Government granted the sum of 15,000*l.* to be paid to the Dock Company when they should have completed the work, in "manner and form aforesaid." From the above quotation from the Dock Act it is evident that had the Dock Company, within the term of seven years, made a dock from the river Hull to Beverley-gates, of no greater width than the ground granted by the Act, they would have been entitled to receive from Government the pecuniary aid of 15,000*l.* But instead of taking the full term of seven years allowed for the completion of the work, or confining themselves to the limits of the ground granted by Government, it is well known to the public the Dock Company, by their unremitting exertions, completed the dock in four years, and, by purchasing land for that purpose, made the dock and also the legal quay of much greater dimensions\* than were required of them by the Act. In making the dock and quay of such considerably enlarged dimensions, the Dock Company could not be actuated by any other motive than that of giving to the trade and shipping of the port, although at an increased expence to themselves, more extensive conveniences than were required of them by the Act: this must be evident to every impartial person; for, had the Dock Company confined the dock and quay within the limits prescribed by the letter of the Act, they would still, as is above observed, have become entitled to the money given them by Government, as the only conditions annexed to the grant were those of completing the works "within the term of seven years," and of making the dock "of the width of the ground granted by the Act." From an increase of the trade of the port it is now found that another dock is necessary, for the making of which various plans have at different times been proposed by gentlemen delegated by the Corporations of the mayor and burgesses and the Trinity House, and by the inhabitants of the town, to treat with the Dock Company; but such plans have always been frustrated by the jarring local interests in the town; and those persons who were chiefly instrumental in defeating them have not failed, by way of covering their own interested views, to represent the Dock Company as being hostile to every plan that has hitherto been produced, and as having no real intention to make another dock. Had the Dock Company objected to the making of another dock, strong arguments might have been drawn from the dock itself to have shown that another dock is not absolutely necessary; for notwithstanding the dock has of late been so filled with ships as to obstruct, in some degree, the business of the port, yet it cannot be denied that it has been so filled chiefly with light ships. If the words of the first-recited clause are attended to, it will be found that the dock was made "for the admission of loaded ships;" had no other than loaded ships been admitted, no cause of complaint "that ships could not get to the legal quay to discharge their cargoes" would have existed. Several other clauses in the Dock Act, which permit the landing of sufferance goods, and regulate the mooring of ships and vessels in the old harbour, clearly prove that it was not the intention of the Act that the old harbour should, after the dock was completed, be deserted by the greatest number of the ships frequenting the port, as it now is. By not insisting on these arguments, or on the indisputable fact that there is not one sentence in the Dock Act relative to the making of another dock, the Dock Company have given a manifest proof they are not inimical to the improvement of the port; but to remove the impressions which false representations, if suffered to pass unnoticed, might make on the minds of those who are unacquainted with the several negotiations which have at different times taken place for obtaining an extension of dock room, the Dock Company, in justice to themselves, think it proper to state thus publicly that no application has ever yet been made to them for the making of another dock to which they have not immediately paid reasonable and proper attention, and that they always readily entered into conferences and negotiations with the gentlemen who were delegated to treat with them on the most effectual means for carrying into execution the respective plans which were at different times produced to them; and it may be mentioned, to the credit of the Dock Company, that, on every such occasion, those who were so delegated always expressed themselves perfectly satisfied with the liberal offers which the Dock Company from time to time made for extending the conveniences of the trade of the port. In January 1792, a letter, signed by several respectable merchants† in Hull, relative to the making of another dock, was presented to the Dock Company; to this letter the Dock Company immediately answered they would appoint four of their members to meet any four gentlemen of the town to confer on the subject; accordingly, Mr. John Sykes, Mr. John Porter, junior, Mr. George Knowsley, and Mr. Richard Terry, who, it is well known, are all materially interested in the trade of the port, on behalf of themselves,

\* Had the dock and quay been confined to the ground granted by the Dock Act,—

The dock would have contained only	-	-	43,518 square yards.
The quay	-	-	11,162 "
As the dock is now made it contains	-	-	48,188 "
The quay	-	-	17,479 "

† John Porter, jun., George Knowsley, William Williamson, John Horner, Hall & Robinson, Richard Terry, Jonas Brown, William Huntington, Widow John Stephenson & Fearuley, Wray & Hollingsworth, and Charles E. Broadley.

30 June 1840.

themselves, and at the request of many other principal merchants in Hull, held several meetings with Mr. Maister, Mr. Moxon, Mr. T. Thompson, and Mr. Hammond, the delegates of the Dock Company, at which meetings various plans were suggested for laying additional duties on the trade and shipping of the port, to enable the Dock Company to make another dock of such dimensions as the trade of the town required. After some progress had been made in the business, the Dock Company, anxious to make another dock, and to prevent the plan then under consideration from being defeated by any opposition, which might be made to the laying additional duties on trade, voluntarily offered and came to a resolution,\* at a general meeting, to make and maintain, at their own expense, without receiving any additional duties whatever, a dock in the garrison ground, sufficient to contain from 120 to 140 ships, estimated to cost 60,000*l.*, exclusive of an annual sum of 1,300*l.* for the maintenance thereof, on being assisted by the Corporations of the town and the Trinity House, and the merchants and ship-owners, in an application to Government for a grant of part of the unemployed garrison ground (which they had a favourable prospect of obtaining), and for a release from the rent paid by the Dock Company to the Commissioners of the Customs for the ground on which it was intended to build a Custom-house. Had this proposition been acceded to, a considerable progress might before this time have been made in a work which, when completed, would have removed every inconvenience complained of. But notwithstanding the proposition far exceeded the expectations both of the gentlemen who treated with the Dock Company, and of the merchants in general, who are the persons the most materially interested in an increase of dock-room, yet when it was communicated by Mr. Sykes, Mr. Porter, Mr. Knowsley and Mr. Terry to the Corporations of the mayor and burgesses and the Trinity House, neither of these Corporations showed any disposition to treat on the subject. From what has been already stated, those who have hitherto been unacquainted with the business will observe that the reports which have been propagated against the Dock Company are totally void of truth; as the Dock Company have liberally offered to make, at an expense of 60,000*l.*, and without receiving any additional duties whatever, a dock in the garrison ground, fully sufficient for the accommodation of the trade of the port. It is true, that from their own knowledge of the local circumstances of the port, they have fixed on the garrison ground as the place most proper for the purpose, and they would not be swayed by private interest in so doing; as it is well known that the making of a dock from Beverley-gates to Hessele-gates would have been more to the advantage of several of the individuals of the Company than the making a dock in the garrison ground. But they were not influenced by their private interest, and voted almost unanimously for a dock in the garrison ground, which situation, beyond all doubt, meets with the entire approbation of the first mercantile houses in Hull. The advantages attending a dock in the garrison ground in preference to one on the west side of the town, are numerous and important. It must be obvious to every person, that if a new dock is to be made at all, it ought, if possible, to be in such a situation as that ships may pass every tide into and out of it with facility and perfect safety, and without being liable to accidents in stormy weather. It ought also to be near to and have a ready communication with the present dock, the legal quay, the sufferance quays, and the numerous and valuable warehouses in the High-street, in order that the business of the port may be transacted with as great expedition and as little expense as may be. By means of the old harbour a dock in the garrison ground would possess all these important advantages in a superior degree to one in any other situation. Those who are adverse to the Dock Company at one time fixed on the ground on the west side of the town, between the Hessele-gates and Beverley-gates, as the most convenient place for another dock, and proposed an entrance into such dock from the Humber, at or near Hessele-gates. But they have lately, it is said, changed their scheme, and now wish to have a dock upon the Humber bank, still farther to the westward, with an entrance on the west side of the long jetty. The objections to both these situations are equally strong and unanswerable. Some of the first engineers in the kingdom, and particularly the late Mr. Smeaton, have given it as their opinion, that an entrance into a dock on the west side of the town, where there is no constant supply of back-water, would soon warp up with the mud and sediment of the Humber. But if it be admitted that by incessant labour, and at a great expense, the mud and sediment might be removed every tide, it is still proper to inquire whether a dock

in

\* Previous to the passing of this resolution, summonses were issued to the several members of the Dock Company to attend on a future day at the Dock-office to determine on the making of a dock in the garrison ground. At the balloting the votes in favour of a dock in the garrison ground were as follows; viz.

Mr. Robert C. Broadley	-	-	8 Shares.	Mr. Richard Thompson	-	-	1 Share.
Mr. Richard Moxon	-	-	4 "	Mr. John Thompson	-	-	1 "
Mr. R. A. Harrison	-	-	1 "	Mr. John Hall	-	-	1 "
Charter-House	-	-	1 "	Mr. George Fowler	-	-	3 "
Colonel Maister	-	-	6 "	Mr. Simon Horner	-	-	2 "
Mr. William Travis	-	-	7 "	Mr. William Hammond	-	-	15 "
Mr. Thomas Harrison	-	-	3 "	Mr. Thomas Thompson	-	-	21 "
Mr. John Rickard	-	-	1 "				
Mr. Peter Peasegood	-	-	4 "				

In all, 79 shares.

The proxies for the Trinity House and Mr. Robert Thorley voted against a dock in the garrison ground.

The proxy for the mayor and burgesses did not vote on the question.



30 June 1840.

in that situation would be useful at all times. If it would not, that alone is a proof the situation is an improper one, and that it ought to be objected to. Some of the advantages in favour of a dock in the garrison ground have already been enumerated; will any of those advantages attach to a dock on the west side of the town? The merchants and ship-owners in Hull can best answer this question. In order to secure an entrance into a dock in this situation, it would be necessary to extend the jetty work as far down into the Humber as the extent of the present long jetty. If so, neither ships, lighters nor river vessels, even in fine weather, could enter with convenience or safety on account of the strong current of the Humber, which would run across the entrance, both at ebb and flood tide, in like manner as it at present runs across the end of the long jetty. To be convinced that this would be the case, it is only necessary to observe the rapidity with which the tide passes the end of the long jetty every ebb and flood. If this would be the case in fine weather, it is needless to say that in tempestuous weather it must frequently happen that no ships, much less lighters or river vessels, would be able to get into or out of a dock in this situation for many weeks together; of course an end would be put at those times to all communication between such dock and the present dock, the legal quay, the sufferance quays and the warehouses in the High-street. The conveyance of goods from a dock on the west side of the town into the old harbour, when the communication happened to be open, which, as has been just observed, would be but seldom, would always be attended with much greater delays and more danger than the conveying them out of a dock in the garrison ground into the old harbour. In fixing on the most proper situation for the making of another dock, regard should be had to the nature of the trade of the town, the importations of which consist of flax, hemp, iron, tallow, linen, cotton wool, pitch, tar, timber, deals, wine, brandy, &c. The exportations consist of woollen cloths, cottons, hardware, and a variety of other valuable goods manufactured at Leeds, Wakefield, Halifax, Huddersfield, Manchester, Sheffield, Birmingham, &c., which are brought down to Hull in river vessels. If any of the goods which are imported were required to be removed from a dock on the west side of the town into the old harbour, they must be brought down in lighters or boats with an ebb tide. On arriving at the entrance of the old harbour, the lighters or boats would there meet with a strong current setting out of the harbour into the Humber, which would effectually prevent their getting up the harbour that tide; and this delay would not only be attended with a considerable increase of expense, but must necessarily also greatly impede the trade of the port. If this inconvenience would arise with respect to the goods brought down in lighters or boats, still greater inconveniences would attend the bringing of rafts of timber down from a dock on the west side of the town to the timber-yards above the North-bridge, and the deal-yards in different parts of the town. Loaded lighters and boats, as well as rafts of timber, would be frequently forced upon the fore shore, or driven off into the Humber and lost. The inconveniences already mentioned relate chiefly to the removing of goods which have been imported. On examination it will be found that still greater difficulties would attend the removal of goods intended for exportation. It is well known many of these goods are opened upon the legal quay for the inspection of the revenue officers. But the removal of such goods out of the present dock down the old harbour and up the Humber to a dock on the west side of the town would take up such a length of time, and be attended with such hazard and expense, as would effectually drive the trade of the port into other channels. If, therefore, such are the dangers and inconveniences to which both the merchants and ship-owners would be exposed by the making of a dock on the west side of the town, surely neither the interested clamours of those persons who are possessed of small parcels of land in that situation, nor what is called "the market-place interest," ought to be put in competition with the more material interests of the merchants and ship-owners of the port.

*William Hammond,*  
Chairman of the Dock Company at Kingston-upon-Hull.

At a meeting of the Dock Company, held at their office this day, present Mr. Thomas Thompson, 25 shares; Mr. Robert C. Broadley, 18; Mr. William Hammond, 15; Mr. William Travis, 7; Colonel Maister, 6; Mr. Peter Peasegood, 5; Mr. Richard Moxon, 3; Mr. George Fowler, 3; Mr. Simon Horner, 2; Mr. John Thompson, 1; Mr. John Hall, 1—in all, 86 shares;

The above address being read, the same was unanimously approved of, and ordered to be printed and circulated.

Dock-office, 15 February 1793.

*The following Paper was delivered in and read:—*

Guildhall, Kingston-upon-Hull,  
20 August 1787.

At a meeting of the merchants, ship-owners and principal inhabitants of this town, held this day, pursuant to public advertisement, to consider of certain propositions made by the Dock Company to the Trinity House;

It was Resolved,

1. That the consideration of the said propositions be resumed on Tuesday the 18th day of September next, at 11 o'clock in the morning, at the Guildhall.
2. That the same be printed in the meantime for the perusal of the public.

3. That

30 June 1840.

3. That the propositions recommended by William Wilberforce, Samuel Thornton and Walter Spencer Stanhope, Esqrs., as "fair terms of accommodation between the public and the Dock Company," be likewise printed.

4. That such persons as may have digested any other plans for effecting that desirable purpose be requested to produce the same at the adjourned meeting on the 18th of September next.

*William Osbourne, Chairman.*

#### A PLAN for a further Extension of the Dock at Kingston-upon-Hull.

THAT the Act of 1774 shall remain in full force without any diminution of the duties, power or management whatever, or any thing that may in the least impede or take away the rights, privileges, immunities or jurisdictions of the present Dock Company, as granted to them by the Act passed in the 14th year of the reign of his present Majesty.

That, in consideration of the expected advantages by having the works extended, and another dock made sufficient to contain 60 ships of moderate size, the Dock Company will advance 10,000*l.*, they having the united assistance of the Corporations and the town for being released from the rent-charge of 80*l.* per annum, being the sum paid to the Customs for a small parcel of ground of no use to the said company, except for a general public convenience.

That the said company shall likewise relinquish all their claim to the ground and materials laying and being between Whitefriars-gate and Myton-gate, for the purpose of making another dock.

That the Dock Company shall aid and assist the other Corporations and the town in obtaining from Government the ground on the garrison side adjoining to the White Wall, or any other such waste land as may be in their power to obtain.

That from calculations of the value of the said ground on the garrison side, together with what may be given by the Dock Company, the sum of 15,000*l.* may be reasonably fixed on as an establishment for the speculation; but, in order to complete the undertaking, 10,000*l.* more, together with a moderate annual receipt for keeping up and maintaining this new dock, may be wanted.

To accomplish this further sum of 10,000*l.*, many matters for finance may be brought forward, such as will not, from their moderation, be of any great prejudice to the individual interest of the town; but to point out what those might be in the present stage of the business would not only be premature, but perhaps less agreeable for adoption than if they were proposed by the Corporation of the town and that of the Trinity House, when the business is in a more perfect shape.

To the future conduct of these new works, or the powers that may belong to them in contracts with workmen, or in any future management, or the disposal of the ground on the garrison side, all these matters to be carried forward independent of the old dock, that dock to remain on its own basis, as established by the Act of 1774, without any increase or diminution of power or property whatever.

That the new works to be established, and the grants to be obtained, shall be vested in a commission for the purpose (and that purpose only), to be chosen in equal numbers from the three Corporations, as may be agreeable to themselves and as may be limited by the Act; the said commissioners so appointed to direct and determine all the disbursements, receipts and monies to be raised for the purposes of making and maintaining the Myton Dock, the Old Dock Company to be fully and totally exonerated from all further expenses, claims or business whatever in the new undertaking, on the conditions of their donation of 10,000*l.*, as herein expressed. Provision to be made in the new Act for the better "securing and keeping in order the old harbour" by such means as may be proper for that purpose.

The marine directions of the Myton Dock for mooring, removing, &c. to be vested in the Trinity House (solely), in the same manner as by the Dock Act of 1774.

The money to be advanced by the Dock Company as may be agreeable to the two corporations, and as they may think convenient for the Company to raise.

The above are the unanimous proposals of a meeting of the Dock Company, held at their office on the 29th day of June 1787.

*William Hammond,*  
Chairman of the Dock Company.

PROPOSITIONS recommended by William Wilberforce, Samuel Thornton and Walter Spencer Stanhope, Esqrs., as "fair terms of accommodation between the public and the Dock Company."

Provided a new dock shall be made from Beverley-gates to Myton-gates,

It is proposed,—

THAT the Dock Company shall be limited to, but secured in, a clear annual dividend of 6 per cent. on their capital of 60,000*l.*



30 June 1840.

That 21 commissioners\* shall be appointed in the manner proposed by a Bill brought into Parliament this present Session, who shall carry on the said work, and be furnished with the same powers that were granted to commissioners in the Act of the 14th George 3, without being subject to the control of the Dock Company.

That one-half of the ground on the north side of the dock belonging to the said Company shall be transferred to the said commissioners, for the purpose of its being sold, and the produce thereof applied towards making the intended new dock.

What further sum is necessary shall be borrowed, and the interest thereof, with the annual expenses consequent upon this extension, shall be defrayed either by additional tolls on shipping, or such other means as the Corporation, Trinity House and a majority of the inhabitants at large shall appoint, within the time hereafter limited for the adoption of this proposal.

The receipts of the Dock Company, after yielding them the above-stipulated annual dividend of 6 per cent. on their present capital, shall first be applied to defray those additional charges and interest of money borrowed; and in case, by any resources of the Dock Company, with the dues on shipping and the means to be pointed out by the town, they shall at any time, upon an average of three years, receive a larger sum than is requisite for the said dividend, interest and charges, then the surplus of such receipt shall be applied, first towards the discharge of the money borrowed, and afterwards towards the purchase and annihilation of the present existing capital of 60,000*l.*, unless a still further extension of the dock shall be deemed necessary by a majority of the Corporation and Trinity House, and also by a general meeting of the inhabitants specially convened for that purpose by the mayor, in such case the surplus shall be permitted to accumulate for the said further increase and extension of the dock.

It is meant, in addition to this proposal, that all parties should join in an application to Government for a grant of the garrison ground not at present employed, and that the produce thereof, either by its being sold or let, shall be applied towards the expense of the new work; and that every other assistance from Government which is practicable shall be obtained.

The Dock Company to be debarred from selling any part of their ground, unless the produce be set apart and remain undivided till the 1st of January 1788, and then to be applied to the object of this proposal, if accepted by the town before that time.

London, 14 May 1787.

Also the Bill brought in in 1794.

*William Vizard, Esq.*, was again called in; and further Examined by  
Mr. Serjeant *Merewether*, as follows:

*W. Vizard, Esq.*

5363. DO you produce a notice, dated November 6, 1839?—Yes. [*The Witness produced the same.*]

Cross-examined by Mr. *Hildyard*.

5364. You are the solicitor of this opposition?—Yes.

5365. And of the company mentioned in this notice?—There is no company, I believe; I inserted the notice in the Gazette.

5366. You contemplated that the work should be carried into effect by the company?—No, indeed.

5367. What steps were taken to obtain an Act to give you the powers mentioned in this notice?—A petition was presented for leave to bring in a Bill; that was referred to the Standing Order Committee, and the Standing Order Committee were of opinion we should have deposited a plan, and as we had not done that, we being advised that no plan was necessary, the Standing Order Committee reported we had not complied with the Standing Orders, and we did not get leave to bring in our Bill.

5368. Was any application made to the parties owning land for their consent?—I believe that no land would be necessary for the purpose; I had better read the notice; we did not propose to ask for any powers to take land.

5369. Did you propose to construct the harbour into a dock?—I had rather read the notice; it was, I believe, for a Bill to appoint commissioners: "Notice is hereby given, that application is intended to be made to Parliament in the next

\* 7 Commissioners to be chosen by the mayor and aldermen; three from their own body, and four out of the inhabitants.

7 By the Trinity House, in the same manner.

7 By the Dock Company, in the same manner.

next Session, for leave to bring in a Bill, or to introduce into any Bill which may be brought into Parliament in that Session, at the instance of the Dock Company at Kingston-upon-Hull, clauses to repeal so much of the powers and provisions of an Act passed in the 14th year of the reign of his Majesty King George the Third, intituled, 'An Act for making and establishing Public Quays or Wharfs at Kingston-upon-Hull, for the better securing His Majesty's Revenues of Customs, and for the Benefit of Commerce in the Port of Kingston-upon-Hull; for making a Basin or Dock, with Reservoirs, Sluices, Roads and other Works for the Accommodation of Vessels using the said Port, and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money out of His Majesty's Customs at the said Port for those Purposes, and for establishing other necessary Regulations within the Town and Port of Kingston-upon-Hull.' That which I have just read is the title of the former Act. "And of an Act passed in the same reign, intituled, 'An Act for amending'"—I need not read that; and then an Act passed in the 45th—that I need not read; and then it says, "And of another Act passed in the 45th year of the reign of his said Majesty King George the Third, intituled, 'An Act for raising a further Sum of Money for carrying into Execution an Act passed in the 42d Year of the Reign of His present Majesty, for making additional Basins or Docks at Kingston-upon-Hull,' as directs, authorizes or imposes any tolls, rates or duties to be paid to the Dock Company at Kingston-upon-Hull by or on account of or for any ships or vessels entering or leaving the port of Kingston-upon-Hull, for the purposes of trade, but not entering or making use of any of the docks, basins or quays belonging to the said Dock Company; and also to appoint commissioners for maintaining, preserving, regulating, cleansing and improving the navigation of the river Hull, and of the estuary or branch of the sea, called the Humber, on each side of the entrance to the said river Hull, extending as far westward as the eastern boundary of the premises belonging to the said Dock Company, and as far eastward as the eastern boundary of the land belonging to Her Majesty, and now occupied by the Honourable the Board of Ordnance as a citadel and other military works, and as far southward as the mid stream of the Humber; and to grant to the said commissioners the power to levy tolls, rates or duties in the nature of dock-dues upon all ships or vessels loading or unloading any part of their cargoes in any part of the river Hull, or on the shores of the Humber, within the limits of the port of Kingston-upon-Hull, to be applied to the maintaining, preserving, regulating, cleansing and improving the navigation of the said river Hull, and of the said estuary or branch of the sea, called the Humber, within the limits first above named; and to confer upon the said commissioners all such rights, powers and privileges as may be necessary for effectually maintaining, preserving, regulating, cleansing and improving the navigation of the said river Hull, and of the said estuary or branch of the sea, called the Humber, within the limits first above named." For that we were advised there was no plan necessary, for nothing was to be made.

5370. Were you advised it would not be necessary to include in any schedule the bottom of the old harbour, assuming the freehold of the soil to be vested in the Corporation of Hull?—Yes, we were so advised.

5371. Did you know that the freehold of the harbour was vested in the Corporation of Hull?—At that time I did not.

5372. Did you not think it was necessary, or your parliamentary agent, to ascertain whether any person had an interest in the soil?—He did not think it necessary to do so.

5373. Did you not, as the solicitor, know that it would be necessary to ascertain in whom the soil and freeholds were?—When I was instructed to have these notices inserted, I applied to my parliamentary agent to know if any of those documents were necessary to be deposited, and he said no.

5374. Did he make any inquiries whether the soil would be affected by it?—He saw exactly what it would be, that it was to cleanse the harbour, and he did not think it necessary to take any powers of that kind.

Re-examined by Mr. Serjeant *Merewether*.

5375. This notice was given in November 1839, with the view of proceeding in this Parliament?—Yes.

*W. Vizard, Esq.*

30 June 1840.

5376. The object was to introduce a Bill for the regulation of the tolls, and for cleansing the river?—Yes, those were the objects of the Bill.

5377. Or to introduce clauses into this Bill?—Yes.

5378. Those new tolls were to be levied through the medium of the commissioners?—Yes.

5379. You introduced that Bill for that purpose?—We presented a petition for that purpose.

5380. You were there stopped?—Yes.

5381. Your intention was not to take any land, nor to construct any new works, but to cleanse the old dock?—Yes.

A Petition for leave to bring in the Bill now alluded to was admitted and agreed to before the Committee.

5382. Was it “to introduce into any Bill, which may be brought into Parliament in that Session, at the instance of the Dock Company, at Kingston-upon-Hull, clauses to repeal so much of the powers and provisions” of the recited Act?—It was to do that either by a separate Bill or to introduce clauses in the Bill of which the Dock Company had given notice.

5383. The Standing Order Committee having decided that a plan ought to be deposited, you could not proceed further?—No, and we knew we could propose to introduce the clauses in the Bill of the Dock Company.

5384. Their Bill was to alter and enlarge the powers of the former Act?—Yes.

5385. Was this notice with reference to the former Act of Parliament by which the Dock Company had the power to cleanse the river?—Yes, that was the intention of the Bill, and that there were Commissioners under the former Act, which might be revived.

The clause of the Bill introduced by the Dock Company in 1825, authorizing the vessels from Hedon to enter the port without paying the dock-dues, which (as stated by Mr. Vizard, but not admitted on the other side,) was altered in Committee to make it general, by which all ships going into the harbour and not using the docks, should not pay dock-dues, was produced.

5386. Mr. Serjeant *Merewether*.] There was a Bill, I believe, pending in Parliament in the year 1825?—Yes.

5387. A Bill for amending the several Acts passed for making basins and docks and other works in the town and port of Kingston-upon-Hull, and for making additional docks and other works in the said town and port?—Yes.

5388. Were you the solicitor for the opponents of that Bill?—Yes.

5389. Do you recollect that there was introduced a manuscript clause to exempt vessels from Hedon from the dock-dues unless they went into the docks?—I remember the Bill you have there with its various clauses was the Bill handed over to me on the part of the Dock Company; that is the Bill with the various amendments to be made in the Committee; this is the Bill amended, and these are the additional clauses to be put in. I know they were never put in.

5390. Was it proposed before the Committee that the Hedon clause should be amended?—This is one of the clauses handed over to me in the shape in which it was presented to the Committee; it was to exempt all vessels from or to the port or haven of Hedon, “unless such ship or vessel shall, for or during such voyage or passage, come into or go out of the docks or basins of the said town of Kingston-upon-Hull.” Upon that an amendment was moved, and though I certainly should not at this distance of time venture to swear to the precise words of the amendment, yet I know the purport of it was to strike out Hedon and put in “any other port or place within the United Kingdom.” It was to make that general which by the terms of the clause was limited to Hedon. I have amended this clause, in red ink, in the shape in which I have no doubt it was amended, but I admit that I have found the words in a pamphlet printed by some parties at Hull.

5391. Have you any doubt that the amendment was to that substance?—I have no question about it.

5392. That the exemption given to Hedon was, in point of fact, afterwards made general?—Yes, and upon that the Bill was withdrawn.

5393. Was that clause proposed in the Committee, and carried in the Committee?—Yes.

5394. Upon that clause being carried—

5395. Mr.

5395. Mr. *Austin*.] Do you know the numbers?—No.

5396. Mr. Serjeant *Merewether*.] Were you in the Committee?—Yes.

*W. Fizard, Esq.*

30 June 1840.

5397. Were you in the Committee when such an amendment was suggested? I was in the Committee during the whole of the discussion.

5398. Was it afterwards stated in the ordinary course that the amendment was carried?—Yes.

5399. Have you any doubt of it?—None whatever; it was moved by Mr. Lambton.

5400. Mr. *Austin*.] Now Lord Durham?—Yes.

5401. It was not an amendment proposed at the bar by counsel?—I do not recollect it; my belief is that it was proposed by Mr. Lambton.

5402. It was carried in the Committee?—Yes.

5403. And the Bill was thereupon withdrawn?—Yes.

5404. Had you been attending the Committee from day to day?—Yes.

5405. Do you know whether Mr. Lambton had attended the Committee before he came down to propose that clause?—I should say I really do not recollect; but if I am asked whether I believe that it was the first time Mr. Lambton presented himself in the Committee, I should say I do not believe it was.

5406. But he had not regularly attended it?—I do not know.

[The Witness withdrew.]

Mr. Serjeant *Merewether* inquired whether the promoters of the Bill admitted that no commissioners had been appointed by the Dock Company for the last 10 years.

Mr. *Hildyard* replied that the fact might be taken as admitted.

Mr. Serjeant *Merewether* also inquired whether the Trinity House had appointed commissioners.

Mr. *Hildyard* admitted the fact to be so.

*Charles Frost, Esq.*, was called in; and Examined by Mr. Serjeant *Merewether*, as follows:

5407. I BELIEVE you are in some degree connected with the Dock Company? *Charles Frost, Esq.*  
—I am the solicitor of the Dock Company.

5408. And the solicitor promoting this Bill?—Yes, I am.

5409. Have you the resolutions of the Dock Company in your hand with relation to the proceedings in 1795, with regard to converting the old harbour into a dock?—I have.

5410. Have you seen this paper I hold in my hand?—Yes.

5411. Have the goodness to read the entry referred to by this paper; I believe the dates are inaccurate?—The date of this paper is “Dock-office, Saturday, June 28, 1794.” I have referred to this book of the proceedings of the Dock Company under that date, and I find no such entry, but on the 3d of February 1795, there is entered in the proceedings-book a resolution, “That the plan now introduced for converting the old harbour into a wet dock, and making another entrance from the Humber near to the north-east point of the citadel, is worthy the consideration of the Dock Company, and desirable to be carried into execution. For the question, Colonel Maister, Mr. Knowsley, Mr. Travis, Mr. Hesleden; against the question, Mr. R. C. Broadley.”

5412. That is the 3d of February 1795?—Yes; this is at a meeting of the committee “of the members of the Dock Company, nominated on the 23d January 1795, for the purpose of taking into consideration the expediency of carrying into execution the plan for converting the old harbour into a wet dock, and making another entrance from the Humber near to the north-east point of the citadel.”

5413. That was by the committee of the Dock Company reporting to the Dock Company?—Yes.

5414. In the papers I have put before you, it appears that the Dock Company have stated that it was desirable that it should be considered by the merchants?—Yes, this paper states “A plan for converting the harbour into a wet dock, and making a communication for the passage of ships and vessels at all times between the same and the present dock being produced;—Resolved, That the said plan

Charles Frost, Esq.

30 June 1840.

appears to this meeting to be deserving of the serious attention of the merchants, ship-owners and inhabitants of Hull. Resolved also, That the chairman be requested to inform the mayor and aldermen, and the wardens and members of the Trinity House, of the said plan having been produced to this meeting, and to request that each of the said Corporations will appoint a meeting at such time and place as shall be most convenient to them, when the said plan will be laid before them, for their respective considerations, by the gentlemen of the town, and the members of the Dock Company now present."

5415. The entry you have read to me refers to its being desirable for the Dock Company to entertain the question; have the kindness to see if you can find any entry which speaks of the Dock Company reporting that it was desirable for the inhabitants, merchants and tradesmen of Hull to consider the question?—I do not find any such resolution, and I believe that the paper which has been put into my hands refers to a plan, not being one for converting the harbour into a dock, but to a plan for making a dock to extend from Beverley-gates to Myton-gates, which is the present Junction Dock; and my reason for thinking so is, that I see under the date of the 7th November 1794—

5416. Prior to the other?—Yes; but nearer to the period of your date. "At a meeting of the Dock Company, held at their office this day, for the purpose of taking into consideration certain propositions for an extension of the dock from Beverley-gates to Myton-gates, the following propositions were read; viz. 'Propositions of the Dock Company for the making of a new dock, to contain 70 ships, and to extend from Beverley-gates to Myton-gates. 1. That the Dock Company, the Corporation of the mayor and burgesses, and the Corporation of the Trinity House, shall jointly apply to Government for as much of the garrison ground, when sold, as shall produce one-half of the expense of making and maintaining the dock.'" So it goes on there.

5417. Just look at the paper I have put into your hands; it says, "A plan for converting the harbour into a wet dock, and making a communication for the passage of ships and vessels at all times between the same and the present dock;" that cannot apply to the Junction Dock?—It might; I conceive there is some mistake in that statement, because it requests the chairman to inform "the mayor and aldermen, and the wardens and members of the Trinity House, of the said plan having been produced to this meeting, and to request that each of the said Corporations will appoint a meeting, at such time and place as shall be most convenient to them, when the said plan will be laid before them, for their respective considerations, by the gentlemen of the town and the members of the Dock Company now present."

5418. You perceive that there is a plan for converting the harbour into a dock?—Yes; I perceive that the paper states it is so; it refers to the proceedings of the Dock Company on the 28th June 1794. I have referred to the proceedings of the Dock Company on that day, and I find there was no meeting on or about that period; and I have searched the book, and find no entry corresponding with this; and I still say, I consider that, though this paper represents that a plan for the converting the harbour into a wet dock had been submitted to the meeting, yet, taking the latter part, "and making a communication for the passage of ships and vessels at all times between the same and the present dock being produced," I have no doubt that that is the plan mentioned here for making a dock from Beverley-gates to Myton-gates.

5419. Have the goodness to look forward subsequently to the date of 7th February 1798, and see if you find in February 1795 there is any such meeting?—Here is a meeting, the 2d of February 1795; that is the annual meeting, at which no business is transacted, besides auditing the Company's accounts. On the 6th February 1795, at a meeting of the Company, the proceedings are reported thus: "The committee appointed to examine the plan for converting the old harbour into a wet dock, and making an entrance from the chamber, near the north-east point of the citadel, having reported that the said plan is worthy the consideration of the Company, and desirable to be carried into execution;—Resolved, That the consideration of the said report be deferred until Tuesday the 17th instant." "The Company having this day taken into their consideration the report of the committee, 'That the plan for converting the old harbour into a wet dock, and making another entrance from the Humber, near to the north-east point of the citadel, is worthy the consideration of the Dock Company, and desirable to be carried into execution;' the question being put,

Charles Frost, Esq.

30 June 1840.

put, whether the Company agree with the committee in their report. For the question,—Simon Horner, Esq., two shares; W. C. Broadley, Esq., proxy for Mrs. Porter, two; Mr. Thomas Thompson, proxy for Miss Howard, two; Mr. Rickard, three; Wm. Travis, Esq., nine; Colonel Maister, seven: Total, 26 shares. Against the question,—R. C. Broadley, Esq., 18 shares; Mr. Thomas Thompson, 17; Mr. Ingham, one; Mr. John Thompson, 14; Colonel Maister, for Mr. Wilberforce, one: Total, 51 shares. Neuter,—Dr. Baynes, two shares. For the question, 26 votes: Against the question, 51: Neuter, 2: Total present, 79 shares: Majority against converting the old harbour into a wet dock, and making another entrance from the Humber, near to the north-east point of the citadel, 25 shares."

5420. Mr. *Reynolds*.] Have the goodness to tell me how many gentlemen voted for those 51 shares?—For the 51 shares, five gentlemen.

5421. How many individuals voted the other way?—Seven.

5422. It was carried by the proxies, apparently?—No, certainly not.

5423. How many did Mr. Broadley vote for?—Eighteen shares in his own right against the question, having voted as proxy for Mrs. Porter for two shares.

5424. Do you not know that no man can vote for more than two shares in his own right?—Yes, that is so.

5425. Therefore 16 of those must have been proxies?—It is not so stated.

5426. Is it not the fact; you are the solicitor to the Company?—Yes.

5427. He must have had 16 proxies?—Yes.

5428. Mr. Thomas Thompson, 15, and John Thompson, 12?—Yes.

5429. *Committee*.] Then, though they voted by proxies they had received instructions from the parties for whom they voted?—Yes, certainly; there are two who vote by proxy in favour of the question; Miss Howard Hayward, by Thomas Thompson, and Mrs. Porter, by Mr. Broadley.

5430. Mr. Serjeant *Merewether*.] They do in this Company vote by proxy, and on that particular occasion it was carried by proxies?—Yes, certainly, it was carried by proxies.

5431. In 1795 all this takes place?—Yes.

5432. Just see if that is the plan it was proposed to carry into effect [*handing a Plan to the Witness*]?—From the date it appears to be connected with the proceedings of the Company.

5433. Looking at that plan, you see the harbour there converted into a dock?—Yes.

5434. Do you see the communication with the old dock?—Yes.

5435. That plan seems to correspond, as far as it goes, with the resolution and plan in the book?—I do not know that the resolution refers to any communication between the harbour and the old dock.

5436. Refer to the resolution of the 3d of February 1795?—"That the plan now introduced for converting the old harbour into a wet dock, and making another entrance from the Humber"—

5437. Look at that plan, and see if it does not correspond?—Yes, it corresponds so far; but the question to me was, whether the communication between the harbour and the old dock was not recognised; it appears that it was not so.

5438. Read on?—"Resolved, That the plan now introduced for converting the old harbour into a wet dock, and making another entrance from the Humber near to the north-east point of the citadel, is worthy the consideration of the Dock Company, and desirable to be carried into execution."

Cross-examined by Mr. *Hildyard*.

5439. What is that brief sheet handed to you; does it say any thing about connecting the harbour with the old dock?—Yes.

5440. Mr. *Reynolds*.] Just compare it with the resolution of January 23d?—This professes to be a copy of the resolution of the Dock Company relative to the converting of the harbour into a wet dock. "Dock Office, Saturday, June 28, 1794. A plan for converting the harbour into a wet dock, and making a communication for the passage of ships and vessels at all times between the same and the present dock being produced"—

*Charles Frost, Esq.*

30 June 1840.

5441. Mr. Serjeant *Merevether*.] Read the entry of the 23d of January 1795? —“ 23d of January 1795. Mr. Knowsley having introduced to the Company a plan for converting the old harbour into a wet dock and making another entrance from the Humber near to the north-east point of the citadel;—Resolved, That it is the opinion of this meeting that the plan now introduced for converting the old harbour into a wet dock, and making the entrance from the Humber at the north-east point of the citadel, be referred to a committee; and that the following gentlemen be that committee: Colonel Maister, Mr. Robert C. Broadley, Mr. Henry Thompson, Mr. Richard Moxon, Mr. W. Travis, Mr. Simon Horner, Mr. Thomas Hesleden and Mr. Knowsley.”

5442. Mr. *Hildyard*.] Then that statement put into your hand does not correspond with any statement you find in the dock books, though it refers to connecting the harbour with the old dock by a communication?—Yes, that is the case.

5443. That is a feature that does not belong to the present plan?—No.

5444. How long have you known the town of Hull?—Ever since I can recollect, having been born there.

5445. I will not ask how long that is; have you known it long enough to be able to say whether the members who constituted that committee were gentlemen who had, any of them or how many of them, harbour-side property?—The committee consisted of Colonel Maister—

5446. Was Colonel Maister the owner of property in High-street and on the harbour-side?—Yes.

5447. Who was the next?—Robert Carlile Broadley; he had property on the harbour-side; Thomas Thompson.

5448. Was he a harbour-side proprietor?—Yes; I believe he was in partnership with Mr. Walton.

5449. The next?—Richard Moxon; he is a harbour-side proprietor.

5450. There was one dissentient from the report?—Yes.

5451. What was the name of that gentleman who was so dissentient?—Robert Broadley was the dissentient.

5452. Was he a harbour-side proprietor or not?—Yes, I believe he was.

5453. Then it appears that the whole committee were harbour-side proprietors?—I do not know; I believe not; Mr. William Travis; he is a harbour-side proprietor; Mr. Simon Horner was a harbour-side proprietor; Mr. Thomas Hesleden was not a harbour-side proprietor; Mr. Knowsley; I do not know whether he was.

5454. You have told us that when that report was submitted to the Dock Company it was rejected by the majority you have stated?—Yes.

5455. State whether you find the great majority are harbour-side proprietors; those who voted?—I have just mentioned Mr. Knowsley; he was a partner in the bank of Knowsley, Ray & Company, whose premises were between the High-street and the water-side; whether they went down to the harbour-side I do not know; the parties who voted in committee for and against the converting the old harbour into a dock, on the 17th of February, for the question: Simon Horner; he was a proprietor; Robert Carlile Broadley, who voted as a proxy for Mrs. Porter; she was a harbour-side proprietor; Thomas Thompson, proxy for Miss Howard; I cannot say whether she was a harbour-side proprietor; Mr. Rickard, I cannot say; Mr. Hesleden was not; Mr. William Travers and Colonel Maisters were both of them proprietors of harbour-side property.

5456. There was something connected with Mr. Wilberforce's name put in; does it appear by that report that Mr. Wilberforce's proxy voted against this project?—Mr. Wilberforce, by his proxy, Colonel Maister, voted against that measure.

5457. Was that the Mr. Wilberforce?—Yes; it was Mr. William Wilberforce, the late Member for the county.

5458. We are speaking of the period of 1794 and 1795; at that time, the Committee is aware, there was but the old dock constructed?—Yes, that is so.

5459. Did the harbour-side proprietors, at that period of the history of your port, constitute a much more important portion of the merchants of the town of Hull than they do at this moment; I mean, has the trade and commerce of the town, created by the new docks, called into existence a body of merchants who were not in existence at that time?—That was decidedly the case.

5460. That



5460. That the harbour-side then was a much more important section of the trade of Hull than it is now?—Yes. *Charles Frost, Esq.*

5461. High-street was the principal street of Hull?—Formerly it was the only place of business. 30 June 1840.

5462. At the time you are speaking of, was it not the residence of Colonel Maister, a gentleman of great consideration in the town of Hull?—Yes, the late Colonel Maister.

5463. You were asked with respect to Mr. Knowsley; you said you did not know whether he was a harbour-side proprietor?—Yes.

5464. Was not he a wine-merchant?—Yes.

5465. Had he not premises at the harbour-side?—I do not know where his premises were.

Re-examined by Mr. Serjeant *Merewether*.

5466. I think you did say, with respect to Mr. Knowsley, that he himself had not harbour-side premises?—I have not said so; I have said I could not say of my own recollection that he had premises on the harbour-side.

5467. You think that his partners had some premises between the High-street and the harbour-side?—Yes, they certainly had, as bankers.

5468. Not warehouses?—No, they would not have warehouses attached to the bank.

5469. You have stated that the plan was produced by Mr. Knowsley?—Yes.

5470. You stated that the harbour-side proprietors at that time formed a more considerable portion of merchants than they do at present?—That is the case; do you mean to say that many of the persons who were harbour-side proprietors were persons of greater consequence than they are now?

5471. That is what I understood my learned friend to say?—I did not understand him to say so. I understood the question to have reference to the relative importance of the mercantile part of the town, between the High-street and the harbour-side and other parts of the town. In former times the principal part of the trade was conducted in the High-street, and the High-street only. In consequence of the increase of the docks the merchants have their warehouses and counting-houses in different parts of the town.

5472. Where is it conducted now?—In several parts of the town; there are counting-houses in the neighbourhood of the Exchange and on the walls of the docks and other places.

5473. Are there more warehouses surrounding the docks now than there were at that time?—Yes, because there was only one dock.

5474. Has not the property on the harbour-side deteriorated in consequence of it?—I am not aware that that is the case.

Examined by the *Committee*.

5475. Can you tell me the number of gentlemen engaged as merchants on the side of the harbour?—I should think about 100; I am speaking very much at random; I take for granted the Honourable Member means that part below the North-bridge.

5476. Yes, that is the part I meant?—That is, in fact, the harbour.

5477. Can you tell me whether there is an equal number or a greater or less number of gentlemen engaged in business, not connected with the harbour-side?—I should say there are a greater number not connected with the harbour-side in business in Hull than among the harbour-side proprietors.

5478. Speaking of a person residing in the place, and not asking for an accurate statement, can you form any opinion of the relative amount of capital embarked in those two portions of the trade?—Any answer I might give would be so vague it might only mislead.

5479. The difference is not so considerable that any person in Hull could say which predominated?—I should say, certainly not.

5480. You could not say that the harbour-side proprietors or the other merchants of Hull had the largest concerns?—I should say that those who are not proprietors of harbour-side property constituted the majority of the mercantile body of the town.

5481. What proportion of the shares of the Hull Dock Company are held by harbour-side proprietors?—I should say, in round numbers, about one-tenth part may be harbour-side proprietors, but it is difficult to ascertain who are harbour-



*Charles Frost, Esq.*

30 June 1840.

side proprietors; there are many here who are trustees under wills, who are owners of harbour-side property.

5482. And they generally vote by proxy?—Yes.

5483. How many banks were there in Hull in 1795?—Three or four; Messrs. Pease & Liddell, Messrs. Smith & Thompson, Messrs. Broadley's, and Messrs. Harrison, Watson & Company.

5484. Were those in the High-street?—Yes.

5485. Are there any banks there now?—No; I think they are all removed; Messrs. Pease & Liddell have removed; Messrs. Harrison, Watson & Company have removed; and Messrs. Raikes, they are more recently established; Sir Mark Sykes's bank is given up, and Messrs. Smith & Thompson's is removed.

5486. Is there any bank in High-street now?—I believe there is not.

5487. Do you know the reason they have removed?—Because the trade had become more generally diffused over the town; they removed to what they considered more convenient situations for business.

5488. At the time those four banks were in the High-street, was there more than one bank in the rest of the town; Messrs. Moxon's?—There was no other bank than Messrs. Moxon's at that time in the other part of the town.

5489. Do you not suppose that the docks being placed as they were round there was that which caused the banks to remove nearer to them?—I have no doubt that they operated with that effect.

5490. If a dock is placed elsewhere, will it have the same tendency?—Much might depend upon where it was placed.

5491. Where have those banks gone to; how far from the High-street, and to what places; take Messrs. Harrison, Watson & Company's bank?—They have gone into Whitefriars-gate, immediately opposite the Custom-house, close to the centre of the town.

5492. Where is Messrs. Pease & Liddell's bank gone to?—To Trinity House-lane, between the Custom-house and the Market-place.

5493. Where is Messrs. Raikes's bank removed to, that was Messrs. Broadley's?—That is removed very little distance from where it was before.

5494. It is very near your office?—Yes; that was a continuation of the bank of Messrs. Broadley's, which I did not remember when I gave my former evidence: it was formerly in High-street; and it is now in Scale-lane.

5495. Next door to your own office?—Yes.

5496. You have named three of them?—Messrs. Smith & Thompson's was in the High-street; it is now removed into Whitefriars-gate.

5497. Where is the Bank of England?—The Bank of England is in Salthouse-lane.

5498. How far from the High-street?—Perhaps 100 yards.

5499. When were those resolutions proposed to the Committee in 1795; was the Junction Dock made at that time?—No.

5500. Was any intention of making it existing at that time?—No, not at that time.

5501. Nor the Humber Dock?—At that time there was no plan in agitation for making a dock into the Junction Dock, because the Humber Dock was not then made, but there was a plan in agitation for making a dock from Whitefriars-gate to Myton-gate.

5502. I want to know whose property this is about the neighbourhood of Dock-green and Waterhouse-lane?—It belongs to Mr. Henry Broadley, the Member for the East Riding.

5503. Whom did it belong to at that time?—It belonged to Mr. Robert Carlile Broadley.

5504. Not at that time, did it?—No, I believe not in 1795; in 1795, I cannot say to whom it belonged exactly; I believe it belonged to a Mr. Goulton and other Lincolnshire gentlemen.

5505. Does any member of the Dock Company at present hold 24 proxies?—I believe that is the case.

5506. Does any member hold 15?—I really cannot answer to these questions, because I do not carry it in my memory; the proceedings of the Company are recorded by the clerk, Mr. Radford; it is no part of my duty to record them, and consequently I have not paid that attention to the matter as to be able to state the fact.

Mr.

Mr. *Hildyard* admitted that 40 proxies were held by four persons.

*Charles Frost, Esq.*

30 June 1840.

5507. How long have you been solicitor to the Dock Company?—Ever since the death of my father, in November 1825, having succeeded him in the office.

5508. How many shareholders in the Dock Company are at present resident in Hull?—I am not prepared at present to state.

5509. There has been a great deal said about these commissioners, I wish to ask you, as you well knew these books, how long it is since any commissioners were appointed?—I believe it is eight or ten years since commissioners were appointed by those parties who were directed by the Act to appoint them; there have been partial appointments since that time; the Corporation of the Trinity House have continued to appoint down to this period.

5510. The Corporation of the Trinity House appoint as many as 13?—I believe they have not so many to appoint under the Act.

5511. If they did not appoint 13, they could not appoint a sufficient number to effect what the commissioners were to effect under the Act?—I believe they do not appoint a sufficient number to act.

5512. Is there any record of any thing being passed by the Dock Company in the shape of a resolution, that those commissioners should be no longer appointed?—I have no recollection of any resolution being passed upon the subject; the Dock Company ceased to appoint the commissioners themselves 10 years ago, considering that the duties of the commissioners had, in fact, expired, and nothing remained for them to do under the Act.

5513. Was not it one of the duties of those commissioners to see that the old harbour was kept properly cleansed?—That was the duty of the commissioners before the passing of the Humber Dock Act, I believe, or the subsequent Act of 1805.

5514. Does not that still exist as the duty of those commissioners?—I believe not; I believe that one part of the duty of the commissioners, with reference to the cleansing of the harbour, was transferred by the Humber Dock Act to the Dock Company themselves.

5515. Can you show me the clause in the Humber Dock Act?—The 45th of Geo. 3, c. 42; the clause to which I referred is the 5th section; it declares, "It shall be lawful for the Company, their agents, servants or workmen, as often as occasion shall require, to cleanse, scour," and so forth, "the harbour." That is the clause that I referred to as giving to the Company the power possessed by the commissioners.

5516. None of those Acts repeal the first Act?—No.

5517. Was that Act brought in by the Dock Company?—Yes, the 45th of Geo. 3 was brought in by the Company to enable them to create and sell 30 new shares.

5518. We have now been told that these commissioners still exist; do you consider that that is the case?—They exist partially, and are capable of being called into existence by the former Dock Act.

5519. Who are the six inhabitants of the town who exist as commissioners now?—There are none in that character; no commissioners have been appointed out of the inhabitants of the town. By the 54th clause of the Act of 14 Geo. 3, the appointment of six inhabitants of the town would continue until altered by another appointment; and when the last appointment was made of those six, I am unable to say; nor do I know of whom they consist, or whether they be now living or not.

5520. Then the fact was, that by your Act of Parliament you were empowered, nay you were required, to introduce six inhabitants of the town into the management of your affairs, which has not been done for 10 years?—That is clearly the case to a certain extent; but it is right I should explain to the Committee, that the object in the first Dock Act, in appointing commissioners, was to enter into the contracts for the making the first dock, and to do certain acts connected with the making the first dock, acting, as appears from the Act itself, as intermediate parties between the Crown and the Dock Company, to see that those works, to which the Government were such large contributors, should be carried properly into effect.

5521. Does not that Act empower and call upon the commissioners to form first and agree to all the bye-laws?—It clearly does authorize the commissioners

Charles Frost, Esq.

30 June 1840.

to make bye-laws; but by the same Act, the 14th of Geo. 3, the Dock Company are authorized to alter or annul those bye-laws, and make others in their place and stead, by the 62d clause, "That the rules, orders and bye-laws so to be made by the said commissioners, shall be and are hereby declared to be subject to the inspection and control of the said Company, in manner herein-after mentioned;" and by the 63d clause it is as follows: "That it shall be lawful for the said Company from time to time, when they shall think proper, at a meeting assembled for that purpose, of which 14 days' notice shall be previously given, in like manner as other notices of their meetings are herein directed to be given, to inspect and consider the bye-laws made by the said commissioners; and if they shall see fit to annul or alter any of them, or to make others for any purposes of this Act, or for regulating the elections of commissioners," and so forth, "or to make others."

5522. The property in the harbour, we have been told to-day, is the property of the Corporation?—I believe it to be so under the charter of Richard 2.

5523. Therefore, except some parties under an Act of Parliament, no other parties could remove any thing from that harbour?—I conceive not, without being trespassers.

5524. The commissioners have the power of doing so under this Act?—Yes, they have.

5525. Do you not know there have been great complaints in Hull on account of the obstructions in the old harbour not being removed?—I have not heard of any such complaints myself in the harbour; if you speak of that in the mouth of the harbour, I have.

5526. I meant in the harbour?—No, I have never heard any such complaint myself upon the subject.

5527. Is there not a very considerable trade carried on along the whole of the bank of the Hull river, from Stone-ferry down to Nelson-street?—Yes, there certainly is.

5528. You have said that no necessity existed for giving this power to the Commissioners; then, where was the necessity for introducing a clause into this Bill, giving to the Company the powers that the commissioners have?—I believe I was interrupted in the answer I was giving as to the duties of the commissioners. I was stating, that the duty as to cleansing the river, partially, was given by the subsequent Act to the Dock Company, the same power as was given to the commissioners; and I intended to add to that, that the only instance in which any duty remained to be performed by the commissioners, is causing the harbour to be cleansed by the harbour-side proprietors, at the instance of the trustees of the Holderness drainage.

5529. Do you not, *bonâ fide*, consider yourself, that in the provisions made in this Act for those six inhabitants of the town to be placed upon this commission annually, that it was the intention of the Parliament at that time to give to the town a voice in the proceedings of the Dock Company?—I should say decidedly not, except with regard to the duties cast upon them by that Act, which I have before stated I conceive to apply to making the contracts for the making of the first dock, except those powers given with respect to the cleansing of the harbour.

5530. Are not the appointments of the watchmen given to those commissioners?—Yes, by the first Dock Act, I believe it is so; but I was going to state, that the Humber Dock was made under the sole direction and control of the Dock Company; and the contracts entered into for the making of that dock were made by the Dock Company without any idea on the part of any person that the commissioners under the Act had any power to interfere in the making of such contracts.

5531. Having admitted that four proprietors hold 40 proxies by the powers contained in those three Acts, does not that put the power and constraint over the whole commerce at Hull in the hands of four people?—There is no question that the gentlemen who hold proxies do hold a sufficient number, for a very small number of proprietors, to pass such resolutions as they may think proper, provided there is a sufficient number of proprietors present to constitute the meeting.

5532. Under the 10th and 11th sections of the Act, are not the commissioners bound, under a penalty of 50*l.*, to cleanse, and the commissioners of drainage to see that the harbour is cleansed in certain parts of it?—Yes, that is

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so; I have already stated to the Committee, that the commissioners were bound, at the request of the trustees of the Holderness drainage, to call upon the harbour-side proprietors to scour and cleanse certain parts of the river, and to charge to the harbour-side proprietors the expense of so doing.

*Charles Frost, Esq.*

30 June 1840.

5533. The commissioners not being appointed, what remedy have the Holderness drainage trustees?—If a necessity arose, and if they applied to the Dock Company to appoint commissioners, and they refuse, there is no doubt that the Court of Queen's Bench would, under a mandamus, compel the Company to appoint the commissioners.

5534. In consequence of their not being appointed, they are driven to the Court of Queen's Bench?—Within my recollection there has never been any complaint to the Dock Company, by the Holderness drainage trustees, that they were suffering any inconvenience from the harbour not being cleansed.

5535. Are not the commissioners the only court of appeal from the decision of the dock and harbour-masters, by the 70th section of the 14th Geo. 3?—Yes; in case the guild or brotherhood should refuse for 14 days, or neglect to hear any such complaint, or should not grant proper redress, according to the true intent and meaning of this Act, then the person aggrieved may appeal to the commissioners.

5536. Does not the 30th section provide that persons holding 41 shares or proxies shall constitute a meeting?—Yes.

5537. Are not the commissioners to be chosen at a meeting of the Company?—Yes.

5538. In your opinion, is not the clause that provides that the commissioners shall continue in existence intended to meet the case where the commissioners are obliged to adjourn for seven days?—Yes.

5539. The commissioners are authorized and required at their first meeting or at some subsequent meeting, as conveniently as may be, and in like manner annually afterwards, on the meeting of the 25th March, to choose by ballot nine persons?—Yes.

5540. Taking the word "annually," how can you consider that the commissioners who were chosen 10 years ago still exist?—I believe that there is a part of the clause which continues the appointment until new ones are chosen.

5541. But the fact is, that the Dock Company have not complied with the requisites of the Act?—They have not; but at the same time it is right to state, I have been solicitor now for 15 years, and my father solicitor before me, making upwards of 50 years, and I never in my life heard any complaint made, either by the trustees of the drainage or any other party, that inconvenience had arisen from the want of appointing commissioners; nor have I ever known the commissioners applied to, either as a court of appeal from any decision of the Trinity-House, or any other way, so as to render it necessary that they should be re-appointed.

5542. You have said that the soil of the harbour belongs to the Corporation of the town?—Yes.

5543. In that case it would be necessary that the Corporation should be consenting parties to any project of a dock being formed in the old harbour, they being the proprietors of the soil?—I conceive that a dock could not be made there under the authority of Parliament without applying to the Corporation, as the owners of the freehold and soil of the harbour, for their consent.

5544. Do you conceive that the Corporation at present would be favourable to any project for a dock in the harbour?—No, I should think decidedly not from the petition that they have presented.

5545. Can you tell what is about the value of the warehouses on the harbour-side?—I really cannot state that: I was asked about how many shares were held by persons resident in Hull; I believe about 63.

5546. How many are there altogether?—One hundred and eighty; when I say 180, there are 180 shares, but there are gentlemen who hold two or more shares; the Trinity House holds 10 shares.

[The Witness withdrew.]

Mr. John Agars.

30 June 1840.

Mr. John Agars was called in; and Examined by Mr. Serjeant Merewethre, as follows:

5547. YOU have long commanded one of the London steamers?—Yes.
5548. What is her name?—The Wilberforce.
5549. Have you known Hull long?—Twenty years.
5550. What is the length of the Wilberforce?—One hundred and ninety feet.
5551. Her breadth?—Thirty-seven feet six inches outside and outside.
5552. What is her tonnage?—Six hundred and ten.
5553. Has she two engines?—Yes.
5554. What horse-power?—One hundred and fifty horse-power each.
5555. What is her draught of water?—Twelve feet six inches when she has all on board.
5556. How often does she go between London and Hull?—A voyage every week, except when she is laid by.
5557. Does she belong to the Humber Union Steam Packet Company?—Yes, she does.
5558. What was her cost?—Thirty-two thousand pounds.
5559. How long ago?—About three years ago.
5560. At present do you find any accommodation in the port of Hull for embarking or disembarking your goods from your steam-boat?—No, none.
5561. You cannot do it?—No.
5562. How do you get the principal part of your income from the earnings of the vessels; is it from passengers or goods?—Passengers, chiefly; we take goods too.
5563. How do you disembark your passengers?—We have a small steam-tender that goes up the river, of 25 horse-power, to take the passengers, to and fro.
5564. Did you ever use to land them by boats?—Yes, before we got the tender.
5565. Did you discontinue your boats?—Yes, they were not safe; the passengers did not like to land in boats; it was not safe in all weathers.
5566. Was that the cause of your discontinuing?—Yes.
5567. What is the cost of the tender a week?—About 10*l.* a week.
5568. What are your dues for your large steamer alone in a week?—Four pounds fourteen shillings and sixpence.
5569. That is for the weekly voyage?—Yes.
5570. How many voyages did you make last year?—Fifty-two, between April 1839 and last April of this year.
5571. What did you pay for dues during that time?—Two hundred and fifty pounds, about.
5572. That is besides the 10*l.* for the tender?—Yes; the 10*l.* for the tender is clear of that; it has cost that in coals and wages and one thing or another.
5573. The tender and the dues would be about 500*l.* a year?—Yes, somewhere about that sum.
5574. Now, I believe, though you paid that sum of money, you had no accommodation in the dock at all?—No, we cannot get in, it is too wide; we have no accommodation there.
5575. Supposing there was to be a proper pier constructed, so that your vessel might be alongside and embark passengers and goods upon a breakwater or upon a pier, would that be a great advantage to you?—Yes, certainly, I consider it would.
5576. Under those circumstances you would save that 10*l.* a week?—Yes, if there was water at all times of the tide.
5577. Can you arrange your voyage so as to get there at any time of the tide?—No, we must risk that.
5578. Supposing you get there at high-water, what do you do?—We can go alongside the pier there is at present now at high-water times.
5579. How often is that?—I should think not once in five times we could do it; it is only just at high-water; if it has fallen in depth of water we cannot lie there.
5580. At all tides?—Yes, at spring tides and neap tides.
5581. Can you remain there upon the days you go in?—No, we do not go in;

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we run the bow of the vessel to the pier and land the passengers and haul off again. Mr. John Agars.

5582. You must haul off quickly?—Yes.

5583. To prevent taking the ground?—Yes.

5584. That is injurious to large steamers?—Yes, very.

5585. How long in the same tide could you go alongside?—We could go alongside there four hours; two hours and a half before and about one hour and a half after high-water; but we should be in the way of other craft; she is very large and blocks up the pier.

5586. Practically, are you allowed to lie there any time?—No, the pier-master orders us away, and will not let us lie there any time.

5587. When you land your passengers by the small steam-boat, the luggage must be put into the small steam-boat and then landed?—Yes.

5588. Do you find that very dissatisfactory to the passengers?—Yes, many object to it very much.

5589. They make complaints about it?—Yes, and particularly the ladies complain of it.

5590. I presume you are obliged to have coals for the use of the steamer?—Yes.

5591. Do you find any difficulty in getting them on board?—We find a great deal at times; we have had to come away short of coals; we generally take in 85 tons or from that to 90; and I have had to leave Hull in bad weather, when the vessels could not lie alongside, with 30 tons short, and have had to get them in London; they cost us more in London a good deal, and it puts us to that expense.

5592. Have you ever had any occasion to pay any damage to those vessels that have come alongside of you, and been injured in consequence?—Yes; frequently the Company have.

5593. You mean your Steam Company, to whom she belongs?—Yes.

5594. Have you been obliged sometimes to run alongside the quay and ground your vessel?—Yes, I have had to lie there in bad weather, when the vessels would not come out on any account, either to bring us coals or take in the goods; I have had to lie there aground at the lower part of the old harbour.

5595. Just tell me where about; do you know Nelson-street?—Yes; it is at end of Nelson-street, close to the Vittoria tavern.

5596. I presume, when you have taken the ground, that your vessel has been detained there a considerable time?—Yes, you must wait till she floats the next tide, 12 hours.

5597. That is an inconvenience?—Yes.

5598. Has she been strained or inconvenienced by that?—I cannot say she has been strained, but, perhaps, in time she may be strained, but I had rather she lay afloat; she is a good deal easier afloat.

5599. Have you seen Mr. Rendel's plan for forming a basin?—Yes, I have.

5600. The basin in front of Nelson-street?—Yes, I have seen that plan.

5601. Can your steamer lie well alongside that breakwater or pier?—Yes, she would lie very well alongside if there was water for her.

5602. If she was to float there it would be a great convenience to you?—Yes.

5603. Would the landing at that pier and across the bridge be convenient to your passengers?—Yes.

5604. Should you then be able easily to land your goods?—Yes; provided the bridge was wide enough for rollers or trucks to run along.

5605. How many steamers of the size of the Wilberforce would that pier and breakwater accommodate?—I should say six, with safety.

5606. You see the breakwater protects the place from the breaking of the sea; would it be safe and convenient riding for you at those piers?—I do not think it would be very safe on the outside with a strong south-west wind.

5607. On the inside?—Yes, quite safe.

5608. In fine weather could you lie on the outside to land your passengers?—Yes; a great deal of the sea would be broken off; I cannot say that all would.

5609. So that you could lie there inside in perfect safety?—Yes; in almost all weathers.

5610. There are a good many steamers at Hull used for the market people; is that so?—Yes; many of the smaller steamers.

Mr. John Agars.

30 June 1849.

5611. Are there steamers that come to the Ferry Dock?—Yes.

5612. According to what you have seen of them there, would that basin be convenient for them to come and go and move in?—Yes; I consider there is a great deal of room; there are 21 acres; there would be a great deal of room for them to move about it, and so many steam-boats going in and out would assist to keep it clear.

5613. Do you mean that it would keep the mud afloat so that it would have less tendency to deposit?—It would assist to keep it afloat, and vessels would move about with more velocity.

5614. If there is a stream runs directly through the basin, would that have the effect of keeping it clear?—Yes; from the breakwater to the pier or wall, or whatever it is, there is 300 feet for the current to run through.

5615. For all purposes of access to the harbour, and landing your passengers, and taking them on board and goods, would that basin answer your purpose?—Yes.

5616. Should you want, under those circumstances, to go into the dock?—I should never go in while I was running, but merely to lay up the ship for repair.

5617. In your ordinary course you would lie there?—Yes.

5618. Would not that save you a considerable time, and enable you to make your trips with greater certainty?—It would be a great accommodation for us to lie there rather than go into dock; there is great risk and trouble going into the dock.

5619. You have had sometimes to go in to take your coals, and have sometimes been beneaped there; how often has that happened to you?—It has happened to me twice since I have commanded the Wilberforce, which is 20 months; we were obliged by a south-west wind to go into the basin, and she took the ground, and at high-water she would not float; and when the passengers came on board she had not floated, and did not float until midnight again.

5620. You and the passengers were detained during that time?—Yes.

5621. Have you seen the place where Mr. Walker's dock and basin are proposed to be placed?—Yes.

5622. Do you think that your vessel could go to that basin with any safety?—Yes, certainly; she could go to it, but it would be out of the way for our business.

5623. Could she go into it and out of it with safety?—Yes, she could go into it; but there is more trouble; there is not room to move a large vessel like her.

5624. Would it be convenient in position for your goods and passengers?—The heavy goods would come out and go up the river; but those landed for Hull must be lightered out, and come up the river, or sent round the North-bridge.

5625. Either of those would be an inconvenient course?—Yes, it would be a long way out of our way.

5626. Would that be an inconvenient position for your passengers?—Yes, they would have a long way to go round.

5627. In bad weather it would be particularly inconvenient?—Yes, it is far away from the inns; there are none of the principal inns at that side.

5628. Just state to the Committee what you conceive to be the inconveniences of the Wilberforce attempting to go to that dock or the basin; in consequence of the position of the basin, would your vessel ever lie in the basin?—She might lie in the basin to a certainty if it was kept clear of sediment, and the mud was soft, but I should not like her to lie aground in that position.

5629. If the tide is to flow in and out there, would you let her take the ground there?—No, certainly not.

5630. If you go into the dock, there must be the delay of going in and out of it?—Yes.

5631. Would there be much delay and inconvenience in that?—Having got into the basin, there is not much difficulty in going into the dock, but I do not think the entrance is wide enough; she would be apt to swing round upon the jetty, and we should have to get a rope out of the larboard bow to heave the vessel round.

5632. Do

*Mr. John Agars.*

30 June 1840.

5632. Do you use the basin at all at present at the Humber Dock?—Not at all; when I commanded the *Vivid* I had to use the basin and the dock.

5633. Tell us the length and breadth and tonnage of the *Vivid*?—She is about 500 tons.

5634. The length and width?—One hundred and sixty feet long, and the draught of water 13 feet.

5635. With that you used to use the basin?—Yes.

5636. You cannot use it with the *Wilberforce*?—No.

5637. You can get in?—Yes, she can get in; but she must lie aground when she got in.

5638. Do you often go into the dock with the *Wilberforce*; you cannot get in?—No, we have not breadth to get in.

5639. Will Mr. Walker's new basin at the other place be a bit more convenient than the entrance into the Humber Dock?—It would take us away from our business; in fine weather we should still come up and bring the vessel where we do now, rather than stop to go into the other basin; we should go down there in case of necessity to take in coal, and so on, but in fine weather we should bring up abreast of Hull.

5640. As far as the convenience of your vessel goes, the inconvenience would be as great at Mr. Walker's new basin as it is at present at the Humber Dock basin?—No, we should lie afloat there, I think.

5641. No, on the contrary, Mr. Walker has told us they will not lie afloat?—If that was the case, if there was grounding in either, there would not be more accommodation there than here.

5642. Suppose that basin not to be excavated more than five feet below low-water at spring tides, should you be able to go there and lie afloat?—Not with five feet at low-water.

5643. Of course when it comes to low-water, at each tide you would be obliged to ground?—Yes.

5644. Should you like to go there under those circumstances?—No, not the least.

5645. That is the reason you do not go into the Humber basin?—Yes.

5646. If you got into the Humber basin it would be more inconvenient with respect to the trade and passengers?—Yes.

5647. Quite out of the way?—Yes.

5648. Supposing Mr. Walker's basin was made there, in your judgment would some such convenience as Mr. Rendel has given by his basin, by a pier and breakwater, be necessary for the accommodation of the steamers; supposing the basin was made, would not such an arrangement of pier and breakwater be still necessary?—Yes, I consider that they would; it is my opinion that they would.

5649. Some of the goods you carry do come down the river into the Humber?—Yes.

5650. Do some of these goods come down from Goole and in that direction?—Yes, they do.

5651. Could an arrangement be made for the accommodation for shipping those goods at Goole?—They are shipped at Goole on board small craft and come down in small craft.

5652. Could they be shipped in steamers up there?—Yes.

5653. Would not that be much to the injury of Hull?—Yes; but our ship could not go to Goole; it is too large.

5654. If good accommodation is not given at Hull for the steamers, would not that have the effect of increasing the trade at Goole, and so injuring Hull?—I consider that Goole will never be much of a port for trade, for the navigation is very dangerous; when a ship is there, there is accommodation, for it is a very good dock, but getting there and from there it is very dangerous.

Cross-examined by Mr. Austin.

5655. Do you not think that, in order to prevent Goole and Grimsby encroaching upon Hull, additional accommodation is necessary at Hull?—I consider it is necessary, because we have not accommodation for the ship I command.



Mr. John Agars.  
30 June 1840.

5656. You are confining yourself to the steamers?—Yes, to the large steamers ; I said it is wanted for steamers.

5657. There are six of those large steamers?—Yes, I believe there are five or six.

5658. Are there five or six?—There is the Victoria, the Wilberforce, the Tiger, the Queen of Scotland, and the Emerald Isle.

5659. Do they belong to one or two companies?—They belong to three or four different companies.

5660. You have been asked about Mr. Walker's plan ; have the details of that plan been pointed out to you?—Partly so.

5661. Has it been completely explained to you?—No, I cannot say it has, certainly ; I have looked over it.

5662. Did they not show you the plan?—I have seen it.

5663. Who showed it you?—I am sure I do not know who it was ; I had got it here yesterday.

5664. Some of the people showed it you?—Yes, some of the people round about.

5665. Some of the people for whom you come to give evidence ; did they point out to you that the entrance to the dock basin might be widened without any difficulty?—Do you mean the present dock basin?

5666. Have they not explained Mr. Walker's dock basin to you at all ; did they ask you if it was wide enough?—I consider it is not.

5667. Did they ask you that?—No.

5668. Did they tell you how wide it was?—I understood it was about 130 feet, or something of that sort ; I do not know whether that is correct.

5669. Did they state to you the depth of the water in that basin?—No ; only five feet at low-water.

5670. Did they tell you how long it was ; that there was so little as five feet in that basin at spring or neap tides?—That is at low-water ; it is not long low-water ; it is either filling or flowing.

5671. Supposing you could float in that basin at all times of the tide except three or four hours, would not that be a great accommodation as things are at present?—Yes, we should go there in bad weather ; we should fly there then, but not in fine weather.

5672. You would go to the pier?—No, we should lie at anchor ; we bring up in the road, and the tender attends upon us ; if it is high-water or any time of the tide we never go there.

5673. You have been asked whether there would be any difficulty in getting into the dock?—No, not if you got her into the basin, she would go into the dock well enough.

5674. Do you observe that this entrance is slanting towards the south?—Yes, it is.

5675. Do you approve of that?—It would be an advantage in going in upon the flood tide, but upon the ebb tide it would be awkward to get in ; it is better upon the flood tide.

5676. Large vessels come up with the flood?—Yes.

5677. Then that would be the most convenient mode?—Yes, but being so narrow, we should have to get a rope out from the fore part of the vessel to chuck her round ; we could not keep so much speed upon her ; we should have to ease her.

5678. That depends upon the width of the entrance?—Yes.

5679. Just explain to me one thing about these dues ; 10*l.* a week you pay for the tender?—Yes.

5680. Is that for each vessel?—No, it is for the use of the tender for all the vessels ; the other vessels go into dock.

5681. Which vessels?—The Vivid and Water Witch ; then they have to come out in tide time and lie in the roads.

5682. It is convenient for those vessels to go into the docks, or they would not go there?—Yes, no doubt of it.

5683. The 10*l.* is for the use of the tender for all the vessels?—No, she is detained to attend upon the Wilberforce ; if they were to part with the Wilberforce, they would part with the tender.

5684. *Committee.*] The tender belongs to the Company?—Yes, to the Union Company.

Re-examined

Re-examined by Mr. Serjeant *Merewether*.*Mr. John Agars.*

30 June 1840.

5685. The other steamers go into dock and do not want the tender?—Very seldom; at the same time they must come out at high-water; they cannot lock them out; they must come out when the water is level; they come out and bring up in the roads, and they have the tender to come out to them.

5686. Are they not in the dock detained till the water is in such a state that they can come out?—Yes.

5687. If they were lying in the stream they would get away when they liked?—Yes; at midnight they have to get their steam up in order to get away at the proper time. [*A Plan was handed to the Witness.*]

5688. Supposing that entrance to be 120 feet in width, is that wide enough for you?—No.

5689. Supposing that basin was 450 feet wide and 400 feet long, would that be large enough for your steamer to go into it and remain there?—Yes, it would be large enough for her and another too.

5690. Would your vessel go into a basin where there was not three times her own length?—I would prefer going into a larger one.

5691. There must be room for others besides yourself?—Yes.

5692. If that basin is the size I stated, should you like to go in there with the chance of other vessels coming in?—I should go in if there was no other accommodation, and the weather would not permit me to take in or deliver the cargo in the roads; I should run the risk of that.

5693. If other vessels came in, would they not be likely to do you damage?—Yes, they would come alongside of us, and perhaps do us damage, but that we must risk.

5694. You have been asked about the quantity of water there; from what you have seen of the Humber, would there not be a tendency to fill up with mud?—I cannot say any thing upon that; I am not competent to answer that; I consider, upon the other plan, that the run of water through the basin would tend to keep it clear.

5695. Would it tend to keep Mr. Walker's basin clear?—I do not see any run through it.

[The Witness withdrew.]

Captain *Roger Langlands* was called in; and Examined by Mr. *Reynolds*, as follows:

5696. YOU were formerly in the Royal Navy?—Yes.

*Capt. R. Langlands.*

5697. You are now superintendent of the steam-packets belonging to the St. George's Steam Company, at Hull?—Yes.

5698. How long have you resided at Hull?—About 21 months.

5699. Had you any previous knowledge of the port?—I had been there occasionally.

5700. How long have you known it altogether?—About three years altogether.

5701. How many steam-boats have the St. George's Company under your care?—Four just now, and one under repair.

5702. What are their names?—The Tiger, the Emerald Isle, the Sovereign, the Erin; and the Juno is under repair.

5703. Where do those vessels trade to?—The Tiger and the Sovereign to Hamburg; the Emerald Isle to Rotterdam, and the Erin to Dundee.

5704. What sized vessels are they; what is their average tonnage?—From 600 to 400 tons.

5705. What is the length of the longest?—About 187 feet, the Tiger.

5706. What is her breadth?—Twenty-eight feet.

5707. Is that over all?—No; the beam alone.

5708. What is she over all, including the paddle-boxes?—I suppose about 48 or 49 feet.

5709. Which vessel is that?—The Tiger.

5710. She cannot enter the Humber Dock?—No.

5711. What does she draw?—She draws 14 feet water when loaded.

5712. What is the next in size?—The Emerald Isle.

5713. What is her length?—About 135 feet.

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5714. What

Capt. R. Langlands.

30 June 1840.

5714. What is her breadth over all?—Forty-three feet.  
 5715. She cannot enter the dock?—No.  
 5716. What is her draught?—Eleven and a half or 12 feet.  
 5717. What is the next in size?—About the same, only narrower.  
 5718. Can she enter the dock?—Yes; she has not so much beam.  
 5719. Which is that?—The Sovereign.  
 5720. Does the Erin go into the dock?—Yes.  
 5721. What is the size of the Juno?—She is much shorter in the beam; she is the same length; she is 42 feet.  
 5722. Can she go into the dock?—No.  
 5723. Had you a vessel called the Seahorse?—Yes.  
 5724. Did she formerly trade to Hull?—Yes, and Rotterdam.  
 5725. Where is she now?—We have sold her.  
 5726. Where to?—To this port to a company in London.  
 5727. Where does she trade now?—She is going to New South Wales.  
 5728. Did she trade up the Humber?—No, I took her up to Goole to lay her there.  
 5729. When was that?—In spring.  
 5730. Why did you take her there?—To lie in safety; there was no accommodation in the dock or basin for her; she could not go into dock, and there was no accommodation in the basin.  
 5731. Your owners have since sold her?—Yes.  
 5732. Do the St. George's Company keep a tender?—No, they do not.  
 5733. Why not?—We work in the basin with those two vessels.  
 5734. You take the ground in the basin?—Yes.  
 5735. Would not the tender save that?—Yes, but it would be more expense.  
 5736. Do you take in coals there?—Yes.  
 5737. And goods?—Yes.  
 5738. And passengers?—Yes.  
 5739. Do you arrive at Hull at any regular fixed hour?—No; in leaving Hull we do.  
 5740. What hours are they?—Generally two hours before high-water we leave.  
 5741. How is your return fixed; do you come at any particular hour?—No; we come according to circumstances.  
 5742. Do you sometimes arrive when you cannot get into the basin?—Yes.  
 5743. What do you do then?—We sometimes hire a small steamer to land the passengers, and sometimes we land them in boats.  
 5744. Do you pay the dock-dues on those occasions?—Yes, always pay dock-dues.  
 5745. Have your passengers ever objected to be landed in small boats?—Yes.  
 5746. Why?—There is some danger attached to it; and sometimes the ladies object, after having a pleasant voyage, to get into those boats, and particularly with the tide strong against the wind.  
 5747. How many voyages do the Tiger and Sovereign make in a year?—About eighteen.  
 5748. The Emerald Isle, how many does she make?—About one a week; 36 during a season.  
 5749. Have you seen Mr. Rendel's plan for a dock?—Yes.  
 5750. And for a basin?—Yes.  
 5751. For steam-boats, the piers, and those matters?—Yes.  
 5752. Will they add to your convenience in the port?—No, I should think not.  
 5753. Why do you think it would not add to your convenience; I am speaking of Mr. Rendel's plan?—I beg pardon; I was looking at the one before me.  
 5754. I am speaking of Mr. Rendel's; there is a large basin in front of the Humber Dock, will that be a convenient arrangement for your trade?—There is not the least doubt of it.  
 5755. You will land the passengers at the steam-boat pier opposite the dock, and not far from the railway?—Yes; that is where we land now.  
 5756. Do you think that the railway will bring goods and passengers for your vessels?—No doubt of it.  
 5757. If you were placed in a basin east of the garrison, how would that suit your trade?—I do not think that it would suit the trade so well, or any thing like it.

5758. That

Capt. R. Langlands.

30 June 1840.

5758. That would be at a greater distance than the railway?—Yes.

5759. In rough weather, supposing Mr. Walker's dock was made, would you be tempted to go in there?—Yes; I think it is possible.

5760. Are you acquainted with the fore shore there?—Not much.

5761. Do you know any thing about the rocks they call the Hebbles?—Yes; down below.

5762. How far are they below that basin?—About half a mile.

5763. Your steam would keep you clear of it?—Yes; there would be no objection to that.

5764. If you went to the basin, would that be a convenient place for the passengers?—There would be an expensive charge for the portage of luggage; it would be double the distance; and for goods, too, it would be expensive.

5765. We have been told that the entrance is 120 feet wide; is that sufficient for a large steamer?—Not for a large steamer.

5766. The basin would hold eight or ten steamers?—They must be the ferry steam-packets, then.

5767. It could hold eight or ten of them?—Yes.

5768. But not eight or ten of yours?—Not by the look of it.

5769. If there were four of yours, could you move about?—If we got in we must remain stationary.

5770. You have told us that the Tiger and Emerald Isle do not use the docks at all; how much dock-dues do they pay in a year?—I cannot tell; I think it is 10*d.* a ton from Hamburg.

5771. Would that amount to between 600*l.* and 700*l.* a year?—Something about that, the vessels lying aground.

5772. Are there many others that do not use the docks?—No, there are no others that do not; there is another, the Bruges, that comes occasionally; she has given up now; the coasters only pay 3*d.* a ton.

5773. *Committee.*] You were an officer in the navy?—Yes.

5774. You know the port of Hull?—Yes, a little, more or less.

5775. Do you know the position of the Hebbles?—Yes, I know where it lies.

5776. Will you look at Mr. Walker's dock and basin and the position of the Hebbles, and tell me whether, looking at that position, you consider its being so near the Hebbles would render the entry dangerous for sailing vessels?—I should say it was almost rather too close to the entrance, for sailing in a particular wind it might throw her off.

5777. What wind?—The wind inclining to the northward or north-east, those are the only winds.

5778. Are not those winds favourable for entering the harbour?—They might get to the Humber Dock or the old harbour with that wind, but they could not get into Mr. Walker's basin.

5779. Are they not the winds that they would come in with, from the Spurmhead?—They are obliged to keep so much more to the southward, she would pass the Hebbles before she could bring up again.

5780. You think that, in passing the Hebbles, a sailing vessel with a north or north-east wind would have passed before she could bring round to take Mr. Walker's basin?—Yes, unless she had a good commanding wind.

5781. Would there be any danger of her missing stays and going upon the Hebbles?—No; with a wind at north north-east, she could avoid them; she could haul up, but she would be too far off to fetch the harbour again; in that case she could fetch the old harbour or the Humber Dock.

[The Witness withdrew.]

Mr. Serjeant *Merewether* stated, he had no other evidence to lay before the Committee; that he should get an answer from the Ordnance by the next meeting of the Committee, and would then be prepared to put in that document, and also to give an answer with respect to the memorial of the Dock Company.

[Adjourned till Thursday next, at Eleven o'clock.]

*Jovis, 2<sup>o</sup> die Julii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

2 July 1840.

Mr. Serjeant *Mercwether* stated that Mr. Reynolds had looked over the Memorial of the Dock Company in reply, which had been the subject of discussion on the last day of meeting, and there was no objection to its being delivered in; and accordingly delivered in the following document:—

To the Right honourable the Chancellor of Her Majesty's Exchequer.

The MEMORIAL of the Dock Company at Kingston-upon-Hull;

Sheweth,—That your memorialists have been furnished with a copy of the memorial of certain persons describing themselves as the committee chosen at a general meeting of the owners of property, in warehouses, yards, quays, wharfs, dwelling-houses, lands and tenements, bordering upon the river Hull, commonly called the old harbour, held at the mansion-house in the borough of Kingston-upon-Hull, on Wednesday the 30th day of September 1836, addressed to you on the subject of a memorial recently presented to you by your memorialists, wherein your memorialists proposed to treat with Her Majesty's Government for the sale by them of a moiety of their double dues payable for foreign vessels trading with the port of Hull.

That your memorialists lose no time in submitting to you their observations upon the memorial of the committee of the harbour-side proprietors, which they deem to be calculated to throw an unjust suspicion over the statements recently submitted to you by your memorialists, and to place your memorialists in an unfair position in reference to their claims to the consideration and support of Her Majesty's Government.

That your memorialists trust that they shall receive your excuse for the length to which this memorial must unavoidably extend, from your memorialists being imperatively called upon not only to refute the serious charges of falsehood and misrepresentation alleged against them in the memorial of the committee of the harbour-side proprietors, but to expose the sophistry and mis-statements which characterize the memorial, emanating, as it does, from persons having local interests to serve apart from the general benefit of the town at large.

That the memorialists, who designated themselves a committee chosen at a general meeting of owners of property on the harbour-side, have endeavoured to give weight to their proceedings by adding that the worshipful the mayor was in the chair at that meeting; whereas your memorialists beg to call your attention to the fact that the chair was taken on that occasion by Edward Gibson, Esq., who attended the meeting as the owner of considerable property on the harbour-side, not in his official character of mayor of the borough of Hull, which situation he at that time held, but as a private individual.

That the memorial of the committee of the harbour-side proprietors denies the truth of the statement of your memorialists, that they were induced, at their own expense and risk, to make the dock and legal quay at Hull, by the Act of the 14th Geo. 3, c. 56, directed to be made; and it also asserts that the memorial presented to you by your memorialists does not truly and fully set out the aid and assistance, advantages and benefits which your memorialists obtained to enable them to complete the undertaking.

That in reference to the charge made against your memorialists of not having truly and fully set out the considerations which induced your memorialists to enter upon the expense and risk of making the said dock and legal quay, the memorial of the said committee recapitulates the considerations granted to your memorialists, which are not only mentioned in the Act of the 14th Geo. 3, c. 6, but are fully set forth in the statements made to you by your memorialists, and which considerations consisted of Crown lands granted, a sum of 15,000*l.* paid out of the Customs' tonnage duties, and shipping and wharfage on goods landed on the quays of the docks, and their proceeds, to endeavour to support their charge against your memorialists of falsehood and mis-statement, by alleging that your memorialists have omitted to notice the power given, as they would represent, to your memorialists, by the 14th Geo. 3, c. 57, to purchase and "hold, without incurring the penalties of the statutes of mortmain, any quantity of freehold lands, tenements and hereditaments, *without stint or limitation*," during the progress of the undertaking, and to sell the same or any part thereof after its completion; whereas it will be found, on reference to the said Act of the 14th Geo. 3, c. 67, and ought to be well known to the said harbour-side committee, that your memorialists were only empowered to purchase such lands as should be necessary or useful for the purpose of making, laying out or widening such road or roads as your memorialists should by that Act be authorized to make or amend, or for the purpose of making or extending some of the works by that Act to be made and provided, or for laying soil, rubbish, utensils and materials upon, or for erecting conveniences for workmen, or for other the purposes of that Act.

That in proof of your memorialists being justified in stating that the undertaking was considered a risk, they beg to refer you to a report of the Commissioners of the Customs to the

2 July 1840.

the Lords of the Treasury, dated 4th February 1773, wherein they state, that, if the Corporation of the town of Hull should decline the undertaking of making the proposed dock and legal quay, an overture should be made to the Trinity House, as a wealthy, flourishing body having an interest in the business, and if they also should decline, the commissioners state that they have no manner of doubt but many applications would be made from private *adventurers* to form themselves into a company, with the aid of Parliament, under their Lordships' protection, for such beneficial purposes, which had proved so advantageous to trade, and consequently *successful to the undertakers*, in other places.

That your memorialists refrain from unnecessarily lengthening their memorial by making any observations upon such parts of the memorial of the said committee as refer only to the consequences which would have resulted to your memorialists, under the said Act of the 14th Geo. 3, c. 67, in case the dock and legal quay before mentioned had not been completed within the period of seven years from the passing of that Act, the said dock and legal quay having, in fact, as stated by your memorialists, been completed considerably within the said period of seven years, and every condition imposed upon your memorialists by the said Act having been fully complied with on their part, so as to entitle them to the full enjoyment of all the benefits and advantages intended to be conferred upon them by such Act.

That your memorialists are ignorant of the grounds upon which the assertion contained in the memorial of the said Committee is made, that your memorialists obtained the grants made to them by the before-mentioned Act of the 14th Geo. 3, upon a representation that the expense of making the dock and quay before mentioned would amount to the sum of 115,000*l.*, inasmuch as the Commissioners of Customs stated in the report before mentioned to the Lords of the Treasury, that, according to the opinion of Mr. Wooller, civil engineer, the costs of executing the legal quay might probably be 11,000*l.* or 12,000*l.*, and of the basin or dock 55,000*l.* or 60,000*l.*, exclusive of the expense of purchases and parliamentary charges; and a subsequent estimate made by Mr. Grundy, civil engineer, stated that the expense of executing those works would be 67,831*l.* 19*s.*, exclusive of parliamentary charges and purchases of land, and it was not until after those estimates had been made that it was agreed on the part of Government that 15,000*l.* should be contributed out of the Customs towards making the dock and quay, in addition to the grant to be made of a part of the military works of the town.

That the cost of making the dock and quay before mentioned did amount, as already stated to you by your memorialists, to the sum of 64,588*l.* 16*s.* 11*d.*, and the sum of 30,000*l.*, raised by contribution among the shareholders in the undertaking, by subscriptions of 250*l.* for each share, was applied towards payment of the said sum of 64,588*l.* 16*s.* 11*d.*; the 15,000*l.* paid to your memorialists out of the Customs, and the sum of 18,128*l.* 9*s.* 1*d.* received net for tonnage-duties, &c. during the years 1775, 1776, 1777, 1778 and 1779; having been also applied to the like purpose.

That your memorialists admit that they did expend the sum of 11,598*l.* in the purchase of lands for the purposes and under the powers of the Act 14 Geo. 3, c. 56, and they say, that they subsequently sold not "a small portion," as stated in the memorial of the before-mentioned Committee, but a considerable part thereof for the sum of 11,324*l.* 11*s.* 9*d.*, and not for the sum of 11,937*l.*, as is erroneously stated in the said memorial; but your memorialists positively deny that more than the sum of 2,867*l.* 3*s.* 9*d.*, being part of the said sum of 11,598*l.* expended by them in the purchase of land as before mentioned, was brought to the account of expenses incurred in making the dock and quay hereinbefore mentioned, or that the same or any part thereof formed any part of the said sum of 64,588*l.* 16*s.* 11*d.*, save and except the said sum of 2,867*l.* 3*s.* 9*d.*, which sum was the value of so much of the said land purchased by your memorialists as was actually used in making and which now forms part of the old dock and entrance into the same.

That the rents of such part of the land so purchased as aforesaid, as was not re-sold, have invariably been brought to account in the annual statement of your memorialists' receipts and disbursements, and have formed part of the monies in respect whereof dividends have been from time to time declared.

That the monies which arose from the sale by your memorialists of part of the lands so purchased by them as aforesaid, amounting to 11,324*l.* 11*s.* 9*d.* was by your memorialists placed in the hands of Messrs. Smiths and Thompson, their treasurers, and your memorialists admit that under a resolution of the Dock Company, passed in the month of November 1789, the sum of 11,357*l.* 15*s.*, being the balance of the before-mentioned purchase-monies; and the interest thereon, was divided among the members of the Company; and your memorialists have to call your attention to the fact, that in the statement laid before you by them, wherein they furnish the amount of dividends received upon each of the original 120 shares, from the opening of the first dock in 1778 to 1802, both inclusive, your memorialists have included the dividends arising from the said sum of 11,357*l.* 15*s.*, whereby the average amount of dividends declared annually, during the period last mentioned of the ordinary excess of receipts over expenditure in each year, has been augmented to 54*l.* 1*s.* 10*d.* per annum on each share.

That your memorialists deprecate strongly the attempt on the part of the committee of the harbour-side proprietors to make it appear that the said sum of 11,357*l.* 15*s.* so divided among the proprietors in the year 1789, as before mentioned, and duly accounted for by them in the sums stated to have been divided from the year 1778 to 1802, ought to be treated as a set-off against the monies advanced by your memorialists upwards of 10 years previously, amounting to 30,000*l.*, or 250*l.* per share, in order to justify the statement in the memorial

2 July 1840.

of the said committee, that "the cash advanced by the members of the Company from their own proper funds towards the completion of the said quay and dock only amounted to 18,402 *l.*, or 153 *l.* 6 *s.* 8 *d.* per share."

That assuming that your memorialists have satisfactorily established the fallacy of the statement contained in the memorial of the harbour-side proprietors, that your memorialists only contributed the sum of 18,402 *l.* towards the cost of making the first quay, instead of the sum of 30,000 *l.*, which was actually raised and advanced by them as before mentioned, it becomes unnecessary for your memorialists to enter into any further confutation of the false statements introduced by the said committee into their memorial, for the purpose of showing that your memorialists have not contributed so largely as they have represented themselves to have done, and as they have in fact done, towards the expense of making the said quay and dock.

That your memorialists cannot, however, pass over in silence the language used in the memorial of the said committee, implying a want of veracity in the statements made by your memorialists, of whom it is said, in the memorial of the said committee, that your memorialists have *ventured to allege* that they expended upon the works of the dock and quay the sum of 49,588 *l.* 16 *s.* 11 *d.*, that is to say, 19,588 *l.* 16 *s.* 11 *d.* more than your memorialists had said in the first paragraph of their statement that they had paid up on account of their subscribed capital; whereas, on reference to your memorialists' statement, it will be found that your memorialists have expressly mentioned that, in addition to the 30,000 *l.* raised by advances of 250 *l.* for each share, the tonnage-duties received from 1775 to 1779 inclusive, amounting to 18,128 *l.* 9 *s.* 1 *d.*, were applied towards the expense of making the old dock, thereby showing from what source the excess of expenditure beyond the 30,000 *l.* raised by your memorialists had been provided.

That your memorialists cannot refrain from noticing the fallacious account put forth in the memorial of the committee of the harbour-side proprietors, with the view of making it appear that your memorialists were not called upon to provide more than 33,666 *l.* 3 *s.* 3 *d.* towards the expenses, amounting to 233,036 *l.* 19 *s.* 6 *d.*, of making the Humber Dock; whereas it cannot be denied that the sum of 82,390 *l.*, being the proceeds of the sale of 60 additional shares, was in fact provided by your memorialists in addition to the said sum of 33,666 *l.* 3 *s.* 3 *d.*, inasmuch as, by the introduction of 60 new shareholders into the Company, the 120 original shareholders made a sacrifice of one-third of their future profits for the purpose of assisting them to provide a moiety of the expense of making the Humber Dock, which they were by the terms of the Dock Acts bound to provide as their proportion of the expense of that work.

That with reference to the statements made by your memorialists, and by the committee of the harbour-side proprietors, respectively, on the subject of the introduction into Parliament in the year 1825 of a Bill for making a new dock, your memorialists earnestly request your particular attention to and comparison of both statements, your memorialists feeling confident that in their memorial the facts relative thereto are stated with candour and truth, while the memorial of the said committee, by omitting all reference to the part taken by the merchants and inhabitants of the town for raising a moiety of the expense of making that dock, leaves it to be inferred that your memorialists themselves were seeking to subject the trade of the town and port to new and excessive charges under pretence of enabling them to construct a new dock.

That the clause introduced into the appendix to the memorial of the committee of the harbour-side proprietors, which was a surprise upon your memorialists, having been moved in the Committee by the Earl of Durham, then Mr. Lambton, without any previous notice, was only carried by a majority of 11 Members of the Committee against 7, and instead of offering any justifiable precedent to the Government and Legislature for imposing upon your memorialists any terms which might appear to be advantageous to the public, though at the sacrifice of your memorialists' vested rights, it is admitted by the memorial of the committee of the harbour-side proprietors, that the abrogation of the rights of your memorialists expressly conferred upon them by the Act of 14 Geo. 3, c. 56, to take dock-dues for vessels coming into or going out of the harbour, could not with perfect equity be taken from your memorialists without compensation, inasmuch as the said committee by their memorial state that they are not desirous of depriving your memorialists of any of the rights or privileges which they now hold, without paying them a fair and equitable compensation for the same.

That your memorialists are of opinion that a relinquishment of their right to take dock-dues for vessels using the harbour would lead to great practical inconvenience, even supposing the difficulty of establishing a principle upon which to determine the amount of compensation to be paid to your memorialists for their relinquishment of such right could be satisfactorily removed.

That although the land which your memorialists now seek permission to purchase may somewhat exceed what they may have immediate occasion for, in applying the same to the construction of a dock, with entrance-basin and all the necessary and usual appendages, your memorialists consider that it is highly important for the general interests of the town and the public that provision should be made for affording increased accommodation to the commerce in the port, when and as the same may be called for, and that the present opportunity offered to your memorialists of securing for that purpose, at a comparatively small cost, land which will otherwise hereafter acquire additional value from being covered with buildings, should not be allowed to pass neglected.

That your memorialists deny, that, by possessing themselves of the land in question, they would monopolize the whole of the fore shore on the east side of the town, or that the Rail-  
way



2 July 1840.

way Company have already done the same on the west side, there being yards of fore shore on the west side, immediately adjoining to the entrance-basin of the Humber Dock, applicable to the construction of wet and dry docks, and slips for careening and repairing ships, building-yards and other naval establishments, while the land which your memorialists seek to acquire lies to the east of the citadel of the town, occupying only 590 yards of frontage, and leaving the fore shore along the river Humber, to the east of such land, readily applicable to all or any of the purposes before mentioned.

That your memorialists deny that their object in seeking permission to purchase the land now offered to them is to make a profit of it by the re-sale of part of it, their object being, on the contrary, to secure it for the future benefit and advantage of the trade of the port, by the ultimate appropriation of the whole of it, when required, to commercial purposes, either by further extension of dock room or otherwise.

That your memorialists have been induced to submit to your consideration the foregoing observations for the purpose of removing any unfavourable impression which the uncontradicted misrepresentations contained in the memorial of the committee of the harbour-side proprietors might otherwise have been allowed to make upon your mind, and they trust that the facts now laid before you will have the effect of confirming and establishing their full claim to the support and protection of Her Majesty's Government, in their endeavours to procure for the increased trade of the port, without the imposition of any further burthen, such ample accommodation, in additional dock room and otherwise, as may beneficially and effectually promote its commerce, and secure to the revenue the easy and safe collection of Her Majesty's duties of Customs.

Mr. Serjeant *Merewether* stated, he was authorized to communicate to the Committee that the Board of Ordnance had seen the plan produced by the Petitioners, and had stated that, in case their plan was adopted, they would put it under precisely the same restrictions as the plan suggested by Mr. Walker, that the plan suggested by the Petitioners would receive as favourable a consideration as the plan of the parties promoting the Bill.

Mr. *Austin* inquired whether there was any communication in writing from the Ordnance, which was the usual mode of such communications being made.

Mr. Serjeant *Merewether* inquired what communication had been received by the promoters of the Bill from the Ordnance, upon which they had grounded the statements they had made to the Committee.

Mr. *Austin* replied that clauses had been prepared and agreed to by the Ordnance to be introduced into the Bill.

Mr. Serjeant *Merewether* stated that the Petitioners had also received clauses from the Board of Ordnance.

Mr. *Reynolds* was heard to sum up the evidence which had been adduced in support of the case of the harbour-side proprietors petitioning against the Bill.

Mr. *Austin* was heard in reply.

[Adjourned till To-morrow, at Twelve o'clock.]

*Veneris, 3<sup>o</sup> die Julii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

THE Committee-room was cleared.

3 July 1840.

After deliberation, the counsel and parties were again called in and informed by the Chairman, that the Committee had determined that the preamble of the Bill had been proved.

Mr. Serjeant *Wrangham* stated that he appeared in support of the Petition of the Corporation of Hull, in opposition to some of the clauses of the Bill.

The first clause of the Bill was read.

Mr. *Hildyard* proposed the postponement of this clause, inasmuch as there were several matters involved in it, the discussion of which would more advantageously take place upon other clauses of the Bill.



3 July 1840.

Mr. Serjeant *Merewether* objected to the consideration of this clause being postponed.

Mr. Serjeant *Wrangham* and Mr. *Baines* agreed in the propriety of the discussion of this clause being postponed.

The *Committee* determined that the first clause should be postponed.

The second clause was read, together with the amendments proposed by the promoters of the Bill, the object of which was to leave the making of the cut or canal, uniting the proposed dock with the river Hull, in the discretion of the Company.

Mr. *Austin* was heard in support of the amendment.

Mr. *Baines* was heard, on behalf of the Trinity House at Hull, and the other Petitioners for whom he appeared, to propose an amendment in the second clause, the object of which was to make it compulsory upon the Company to make the cut or canal alluded to, but leaving the timber pond in the discretion of the Company; he alluded to the evidence the Committee had already received upon the subject from the witnesses on both sides, and in conclusion stated his readiness to call the warden of the Trinity House and several other witnesses to give evidence upon the point, if the Committee were not already satisfied.

The Committee-room was cleared.

After deliberation, the counsel and parties were again called in and informed by the Chairman, that The Speaker having taken the Chair, it was impossible for him to take the opinion of the Committee upon the question; but that the general impression upon the mind of the Committee was, when they passed the preamble, they passed it with reference to the whole scheme laid down in the plan produced before the Committee; that if the promoters of the Bill had any ground to show why the whole of the scheme should not be adopted, the Committee were of opinion that the onus ought to lie upon them.

Mr. *Baines* stated that, after what had been announced by the Chairman, he should not think it necessary to trouble the Committee with any evidence.

[Adjourned till Monday next, at Twelve o'clock.]

*Lunæ, 6<sup>o</sup> die Juliï, 1840.*

RICHARD BETHELL, ESQ., IN THE CHAIR.

6 July 1840.

Mr. *Hildyard* suggested that Mr. Serjeant *Wrangham* would now address the Committee.

Mr. Serjeant *Wrangham* objected to the course proposed, and stated that when the Committee adjourned on Friday, the Chairman stated that the Committee did not wish to hear any thing from him (Mr. Serjeant *Wrangham*) in addition to the argument of Mr. *Baines*, and that they wished to hear some reason from the promoters of the Bill for having by their proposed amendment deviated from their original plan.

The *Chairman* stated that the view taken by the Committee was this, that the extreme desirableness and the almost absolute necessity of the junction being made was established by the evidence produced by the promoters of the Bill, and they therefore thought that the shortest mode would be to call upon the promoters of the Bill to show some strong reasons for its being left optional with the Company.

Mr. *Hildyard* was heard in support of the course he had originally suggested.

Mr. Serjeant *Wrangham* was heard in reply.

The Committee-room was cleared.

After

6 July 1840.

After deliberation, the counsel and parties were again called in and informed by the *Chairman*, that he was instructed by the Committee to inform them, that in the intimation given on Friday, the object of the Committee was, if possible, to shorten the proceedings as much as they could; but as they found it had occasioned a great deal of discussion, they thought it better to go on in the regular course, and Mr. Baines would proceed to call his witnesses, or Mr. Serjeant Wrangham to address the Committee.

Mr. *Baines* stated that he should waive calling any evidence, and would merely beg to call the attention of the Committee to the frame of the 15th section of the 56th chapter of the 14th George 3, and also to clause 5 of the 91st chapter of the 42d George 3, in contrast with the section now under the consideration of the Committee.

Mr. Serjeant *Wrangham* was heard in support of the amendment proposed by Mr. Baines.

Mr. Serjeant *Merewether* stated that he should not interpose in this discussion; that he had an amendment to propose in a subsequent part of the clause, which he should bring forward at the proper time.

Mr. *Hildyard* was heard in opposition to the amendment proposed by Mr. Baines, and in support of that proposed by the promoters of the Bill, the effect of which would be to leave the making of the cut or canal in question optional with the Company, and, in conclusion, referred to a tabular statement of the financial prospects of the Company, which had been used by Mr. Austin in his general reply upon the preamble, and which had been compiled from various documents in evidence before the Committee.

Mr. *Baines* claimed a right to reply upon the document just alluded to by Mr. Hildyard, as he had had no opportunity of adverting to it in his original statement.

Mr. *Hildyard* objected to Mr. Baines being heard in reply, inasmuch as the document in question had not been put in evidence, but was produced and referred to by Mr. Austin in his reply, and was before the Committee at the time when Mr. Baines addressed them.

Mr. *Baines* was heard in reply, upon his right to reply.

The Committee-room was cleared.

After deliberation, the counsel and parties were again called in and informed by the *Chairman*, that he was directed to state, that as the paper in question had never been put in evidence, but was merely a summary of the different evidence elicited in the course of the examinations, the opinion of the Committee was, that Mr. Baines had no right to a reply.

The Committee-room was again cleared.

After deliberation, the counsel and parties were again called in and informed by the *Chairman*, that it was the opinion of the Committee that after the words "hereby empowered," in the fourth line from the bottom in the second clause, the following words be inserted, "and required within the space of Seven Years after the passing of this Act."

The *Chairman* also stated that that was the unanimous opinion of the Committee, the object being to make it compulsory upon the Company to make the cut.

[Adjourned till To-morrow, at One o'clock.]

*Martis, 7<sup>o</sup> die Julii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

7 July 1840.

ON the meeting of the Committee the room was ordered to be cleared.

On the admission of counsel and parties, the *Chairman* stated that he understood the counsel or the promoters had some statement to make.

Mr. *Austin* applied for a postponement of all the clauses prior to clause 49, and hoped the Committee would take that clause the first on their meeting to-morrow.

Mr. *Reynolds* objected to the course of proceeding proposed by Mr. *Austin*, as being entirely irregular.

The Committee-room was ordered to be cleared.

On the admission of parties, the *Chairman* stated that the Committee had determined to proceed with clause 49 the first thing to-morrow.

[Adjourned till To-morrow at Twelve o'clock.]

*Mercurii, 8<sup>o</sup> die Julii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

8 July 1840.

Mr. *Austin*, pursuant to the resolution of the Committee yesterday, was heard in support of the 49th clause of the Bill, and referred to various other Dock Acts in which similar powers had been given to Dock Companies to those sought for by the present clause, and also referred to the case of the Hull Dock Company *v. Le Marche*, reported in 2d volume of Manning and Ryland's Reports.

Mr. Serjeant *Wrangham* objected to the Committee being called upon to decide on the principle of the clause, until the promoters of the Bill had introduced a schedule to show the extent to which the clause would affect the parties for whom he appeared.

Mr. *Austin* objected to produce any schedule, the principle of the clause alone being that now under the consideration of the Committee, but stated that he had no objection to introduce a proviso prohibiting the Company from charging more than 3*d.* per bale upon goods loaded from the wharfs of the Company.

The Committee-room was cleared.

After deliberation, the counsel and parties were again called in and informed by the *Chairman*, that he was instructed by the Committee to state that they had come to the following resolution: "That Mr. *Austin* be instructed to proceed with his case in the manner he thinks most calculated for the benefit of his clients."

Mr. *Austin* stated that since he left the Committee-room, it had occurred to him that the Committee might be saved a good deal of trouble by making the following alterations in the clause under discussion; to strike out the words "landed or discharged upon," in the second line of the clause, and inserting, in lieu thereof, the words "shipped or loaded from," then striking out the words "or which shall be shipped or loaded from any such quays or wharfs as aforesaid," in the 4th and 5th lines of the clause, then striking out the words "or loaded or delivered from,"  
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in the 9th and 10th lines, and inserting after the word "any," in the 10th line, the words "of the said," and then striking out in the same line the words, "in the port of London," which would have the effect of raising the principle of the outward duty, without reference to the port of London.

8 July 1840.

Mr. Serjeant *Wrangham* stated that it would be important for the Committee to know whether there had been any increase or diminution of the income of the Company since the decision of the Queen's Bench in 1828.

A Member of the Committee suggested, that it would be desirable for the Committee to be informed what the income of the Company was from the wharfage-dues before and after 1828.

Mr. *Austin* stated that it was not in the power of the Dock Company to furnish that information, as no separate account was kept of the wharfage-dues, and further stated, that as the principle of the clause was now under discussion, he did not think it necessary to call any witnesses, but that evidence might be adduced when the Committee came to consider the schedule, or the details of the clause.

Mr. Serjeant *Merewether* stated that as Mr. Serjeant *Wrangham* and Mr. *Wortley* were prepared to go into the discussion upon this clause, although his (Mr. Serjeant *Merewether*'s) clients had a deep interest in it, he did not mean to trouble the Committee upon it, but begged to call the attention of the Committee to the propriety of passing this clause, when it was proposed by the promoters of the Bill to repeal a clause in one of the former Acts, which was in opposition to the present clause, but which still remained a part of the Act.

A Member of the Committee stated that the matter had been fully discussed yesterday, and the Committee had determined to proceed with the consideration to-day of the 49th clause.

Mr. Serjeant *Wrangham* was in part heard in opposition to the 49th clause, and commented upon the arguments adduced by Mr. *Austin*, and referred to the judgment of Lord Tenterden in the case of the *Hull Dock Company v. Le Marche*.

[Adjourned till To-morrow, at Twelve o'clock.]

*Jovis, 9<sup>o</sup> die Julii, 1840.*

RICHARD BETHELL, Esq., IN THE CHAIR.

ON the meeting of the Committee, Mr. Serjeant *Wrangham* concluded his address to the Committee on clause 49.

9 July 1840.

Mr. *Austin* replied.

The Committee-room was ordered to be cleared.

After deliberation, parties were called in and informed by the *Chairman*, that it was the opinion of the Committee that clause 49 ought not to stand as part of the Bill.

Mr. *Austin* stated, that after the determination the Committee had come to with respect to the 49th clause and also the 1st clause, the promoters would not further trouble the Committee; and that the Committee might, so far as they were concerned, report to The House.

Mr. Serjeant *Merewether* opposed the withdrawal of the Bill, and begged permission to add a clause.

Mr. Serjeant *Wrangham* begged to be understood that he was not a party or at all consenting to the application of Mr. Serjeant *Merewether*.

The

9 July 1840.

The Committee-clerk made a statement to the Committee, the result of a conversation with Mr. Ley, who had consulted The Speaker as to the point, to the following effect: that parties are at perfect liberty to withdraw from all further promotion of a Bill; but if the preamble has been proved, and any other parties who appear wish to take up the Bill at their own expense, they are quite at liberty to do so.

Mr. Serjeant Merewether was asked by a Member of the Committee, if he was willing to adopt the Bill with its present preamble.

Mr. Serjeant *Merewether* declined, and wished the Committee to report that he had made an application for the insertion of a clause.

The Committee-room was ordered to be cleared.

On the admission of parties, the *Chairman* stated, "I have to communicate to you that the Committee have come to the following Report:— 'That the Committee had examined the allegations of the Bill and found the same to be true, and that they had made certain amendments in some of the clauses in the Bill, and that the parties promoting the Bill had, on such amendments being communicated to them, declined to proceed further with the Bill.' And I have to inform Mr. Serjeant Merewether, as he declined to take up the Bill with its present preamble, that he must apply to The House if he desires to take any further proceedings."

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# R E P O R T

FROM THE

## COMMITTEE

UPON

### EXPIRED *and* EXPIRING LAWS:

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FOR THE

IV<sup>TH</sup> Session—XIII<sup>TH</sup> Parliament of the United Kingdom of  
GREAT BRITAIN AND IRELAND.

(4 VICTORIA, 1841.)

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*Ordered, by The House of Commons, to be Printed,*  
*3 May 1841.*

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*Mercurii, 27<sup>o</sup> die Januarii, 1841.*

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*Ordered, THAT* a Committee be appointed to inquire what Temporary Laws, of a Public and General Nature, made by the Parliaments of *England*, or *Great Britain*, or *Ireland*, or of the United Kingdom, are now in force, and what Laws of the like nature, passed by the *English*, *British*, *Irish*, or United Parliaments, have expired between the First day of the last Session of Parliament and the First day of the present Session; and also, what Laws of the like nature are about to expire in the course or at the end of the present Session, or on or before the 1st day of August 1842, or in the course or at the end of any Session which may commence during that period, or in consequence of any contingent public event: and to report the same, with their Observations thereupon, to The House.

*Martis, 6<sup>o</sup> die Aprilis, 1841.*

A Committee was appointed, of—

Mr. Robert Gordon,	Lord Granville Somerset,
Mr. Chancellor of the Exchequer,	Mr. More O'Ferrall,
Mr. Attorney General,	Mr. Greene,
The Lord Advocate,	Mr. Wilson Patten,
Mr. Attorney-General for Ireland,	Mr. Hume,
Sir Thomas Fremantle,	Mr. John Jervis,
Mr. Edward John Stanley,	Mr. Bernal.
Mr. Charles Wood,	

*Ordered, THAT* the Committee have power to send for Persons, Papers and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

*Ordered, THAT* it be an Instruction to the Committee, That they do report their Opinion from time to time to The House, which of the said Laws are fit to be revived, continued, or made perpetual.

*Ordered, THAT* the Committee have power to sit notwithstanding any adjournment of The House.

*Ordered, THAT* the Report dated 11th February 1841, from the Committee on Temporary Laws of a Public and General Nature, be referred to the said Committee.

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# R E P O R T.

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THE COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of The United Kingdom, ARE NOW IN FORCE; and what Laws, of the like nature, passed by the English, British, Irish, or United Parliaments, HAVE EXPIRED, between the First day of the last Session of Parliament and the First day of the present Session; and also what Laws, of the like nature, ARE ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1842; or in the Course, or at the End, of any Session which may commence during that period; or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The House: And who were instructed to report their Opinion, from time to time, to The House, which of the said Laws are fit to be revived, continued, or made perpetual:—

**H**AVE proceeded to an Examination of the Matters referred to them: And beg leave to present to The House;

*First:* A detailed STATEMENT or REGISTER of all the TEMPORARY LAWS, of a Public and General Nature, now in force; which have been enacted by the PARLIAMENTS OF ENGLAND, or GREAT BRITAIN, or IRELAND, or of THE UNITED KINGDOM, from the Commencement of the Reign of King WILLIAM the Third, to the 11th day of August 1840, being the last day of the last Session of Parliament; specifying the Matter, Date, Chapter and Title, of each of the original Acts, and the Dates and Chapters of the respective subsidiary Acts by which they have been either amended or continued.—In drawing up this Statement or Register, They have proceeded, by continuing the Enumeration of Laws contained in the Report of the Committee on Expired and Expiring Laws, ordered to be printed on the 11th day of February 1840, and adding thereto such Temporary Laws as have since been passed, and are now in force; and also, by making such Alterations therein as have been rendered necessary by other Laws which were passed during the Session 3 & 4 VICT.

*Secondly:* Your Committee have drawn up an Enumeration of all the Public General Laws, of a Temporary Nature, which HAVE EXPIRED between the 16th day of January 1840, being the First day of the last Session of Parliament, and the 26th day of January 1841, being the First day of the present Session: Omitting only such Annual and other Acts as have been replaced by subsequent Acts now in force.

*Thirdly:* Your Committee have drawn up an Enumeration of all the Public General Laws which are ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1842, or in the Course, or at the End, of any Session which may commence during that Period: and they have arranged this Enumeration chronologically, according to the Dates at which they will expire respectively.



*Fourthly:* Your Committee have drawn up an Enumeration of Laws, the Duration whereof depends on PUBLIC CONTINGENCIES. In this List they have not thought it necessary to include several, which, though of a Temporary and Contingent Duration, do not seem to require any special Notice; namely, such as have been made for the Funding of particular Loans, or for granting Personal Annuities, &c. &c.

To the Whole, Your Committee have subjoined an ALPHABETICAL TABLE of the Matters of the several Acts enumerated in their Report.

3 May 1841.

## L I S T.

I.—REGISTER of TEMPORARY LAWS, now in force, including those of the Parliament of Ireland, from the Commencement of the Reign of King WILLIAM III. to the 26th day of January 1841; the First day of the present Session.

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|--|-----------|
| (A.) Of the ENGLISH and BRITISH PARLIAMENTS; to The Union of Great Britain and Ireland - - - - - | pages 5—7 |
| (B.) Of the IRISH PARLIAMENT; to The Union - - - - -   | 8         |
| (C.) Of the UNITED PARLIAMENT - - - - -  | 9—22      |

II.—LIST of EXPIRED LAWS; viz.

Between 16th January 1840 and 26 January 1841 - - - - -	23
---	----

III.—LIST of EXPIRING LAWS; viz.

At the END of the PRESENT SESSION - - - - -	24
After 26th January 1841, and on or before 1st August 1842, &c. - - - - -	25, 26

IV.—LIST of LAWS, whereof the Duration depends on Public Contingencies - 27, 28

INDEX - - - - -	29
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# I.

## REGISTER OF TEMPORARY LAWS NOW IN FORCE.

### (A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS : FROM THE COMMENCEMENT OF THE REIGN OF KING WILLIAM III. TO THE UNION OF GREAT BRITAIN AND IRELAND.

*[Amended and continued by Acts of the Parliament of the United Kingdom.]*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
1.  BANK of ENGLAND.	5,6 W.&M.	20 § 20.	For granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain recompences and advantages, in the said Act mentioned, to such persons as shall voluntarily advance the sum of £. 1,500,000. towards the carrying on the war against France.  See also 6 Ann, c. 22. &c. (N° 3.)	Till Redemption of all Bank Annuities created by Parliament.	
	8,9 W. 3.	20 § 26. 27, 28.			
	9,10 W. 3.	44 § 75.			
	N. B. This Corporation further continued by successive Loan Acts down to				
	10 Geo. 4.	31. § 24.			
2.  EAST INDIA COMPANY.	9,10 W. 3.	44.	For raising a sum, not exceeding Two Millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies.  N. B.—See also the following Acts relating to the East India Company; viz.—7 Geo. 1. st. 1. c. 5. § 32, 33; 7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 23 Geo. 3. c. 22; 26 Geo. 3. c. 62; 28 Geo. 3. c. 29; 29 Geo. 3. c. 65; 31 Geo. 3. c. 11; 33 Geo. 3. c. 47; 34 Geo. 3. c. 41; 37 Geo. 3. c. 31; 44 Geo. 3. c. 3; 47 Geo. 3. st. 2. c. 41; 51 Geo. 3. c. 64; & 52 Geo. 3. c. 121; as to the Interest on, and increase of, their Capital Stock and Bond Debt:—7 Geo. 3. c. 57; 9 Geo. 3. c. 24; 23 Geo. 3. cc. 36, 83; 24 Geo. 3. c. 34; 50 Geo. 3. c. 114; 52 Geo. 3. cc. 10, 135; and 3 Geo. 4. c. 93; as to Payments by the Company, and relief or advances to the Company:—7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 13 Geo. 3. c. 63; 17 Geo. 3. c. 8; 21 Geo. 3. c. 70; 26 Geo. 3. c. 25; 27 Geo. 3. c. 48; 33 Geo. 3. c. 52; 36 Geo. 3. cc. 119, 127; 37 Geo. 3. c. 142; 39 Geo. 3. c. 59; 39 & 40 Geo. 3. cc. 59, 79; 41 Geo. 3. (U.K.) c. 21; 42 Geo. 3. c. 29; 45 Geo. 3. c. 36; 47 Geo. 3. st. 2. c. 68; 51 Geo. 3. c. 75; 53 Geo. 3. c. 155; 55 Geo. 3. cc. 64, 84; 4 Geo. 4. c. 71; 5 Geo. 4. c. 108; 6 Geo. 4. c. 85; 7 Geo. 4. c. 56; 10 Geo. 4. c. 15; for Regulating the affairs of the Company in India and Europe:—24 Geo. 3. st. 2. c. 25; 26 Geo. 3. c. 57; 28 Geo. 3. c. 8; 31 Geo. 3. c. 10; for erecting the Board of Control, &c.:—28 Geo. 3. c. 8; 31 Geo. 3. c. 10; 33 Geo. 3. c. 52; 37 Geo. 3. c. 74; 39 Geo. 3. c. 109; 43 Geo. 3. c. 48; 50 Geo. 3. c. 87; 52 Geo. 3. c. 122; 53 Geo. 3. c. 155; 1 Geo. 4. c. 99; 4 Geo. 4. c. 71; 6 Geo. 4. c. 61; 7 Geo. 4. c. 52; 3, 4 Vict. c. 37; relating to the military and naval forces and volunteers in the Company's pay:—6 Ann. c. 3; 7 Geo. 1. st. 1. c. 21. § 9; 33 Geo. 3. c. 52; 37 Geo. 3. c. 117; 42 Geo. 3. c. 77; 48 Geo. 3. c. 30; 53 Geo. 3. c. 155; 54 Geo. 3. c. 34; 57 Geo. 3. cc. 36, 95; 1, 2 Geo. 4. c. 65; 4 Geo. 4. c. 80; 5 Geo. 4. c. 88; 7 Geo. 4. c. 56; as to their Exclusive trade, and the Permitted trade of individuals:—12 Geo. 3. c. 54; 43 Geo. 3. cc. 63, 137; 46 Geo. 3. c. 85; 55 Geo. 3. c. 116; 57 Geo. 3. c. 120; 58 Geo. 3. c. 83;—54 Geo. 3. c. 36, (in part repealed by 6 Geo. 4. c. 105;) 54 Geo. 3. c. 103; 4 Geo. 4. c. 72; as to Regulations for payment, &c. of Customs duties on East India goods:—9 Geo. 4. c. 73. as to Insolvents:—and c. 74. as to Administration of Criminal Justice in the East Indies:—3, 4 Will. IV. c. 93; to regulate the Trade to China and India: and 4, 5 Will. IV. c. 33, as to Deposits upon Teas sold at the Company's Sales.	30 April or 30 April  [See post, 3, 4 Will. IV. c. 85. No. 36.]	1854  1874
	continued and extended by	17.			
	6 Ann.	17.			
	10 Ann.	28.			
	3 Geo. 2.	14.			
	17 - -	17.			
	13 Geo. 3.	64.			
	19 - -	61.			
	20 - -	56.			
	21 - -	65.			
	33 - -	52.			
	53 - -	155.			
	54 - -	34.			
	3, 4 W. 4.	85.			

(A) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS— <i>continued</i> .				
Matter.	Date.	Ch.	Title of the Act.	Duration.
3.  BANK of ENGLAND Continuance: and OTHER BANKERS LIMITED.	6 Ann.	22. § 9.	For continuing several duties, &c., and for securing the credit of the Bank of England, &c. &c. [§ 9. of 6 Ann. restricts the number of Partners to Six in all other Banks in England issuing Notes on demand, &c., during the continuance of the Bank of England Corporation. The period of that continuance, and of the restriction on other Banks, is enlarged by the subsequent Acts. The original continuance under 5, 6 W. & M. c. 20. was until 12 months' notice after 1 August 1705; enlarged to 1710, by 8, 9 W. & M. c. 20. (see <i>ante</i> , N° 1.) and afterwards by 7 Ann. and the subsequent Acts, to 1732, 1742, 1764, 1786, 1812, and by 39, 40 Geo. 3. to 1833. By 3 Will. IV. c. 98. § 2. Banking Corporations or Societies or Partnerships of more than Six Persons in number, are prohibited from issuing Notes or Bills payable on demand, in London or elsewhere, within 65 miles thereof. But by § 3. of that Act, any Body Politic or Corporate, or Society, or Company, or Partnership, although consisting of more than Six Persons, may carry on the business of Banking, in London or within 65 miles thereof; Provided that they do not borrow, owe, or take up, in England, any sums on their Bills or Notes, payable on demand, or at any less time than Six Months, during the continuance of the privileges granted to the Bank of England.] By 56 Geo. 3. c. 96. § 4. Bank of England Notes were declared receivable in payment of the Public Revenues. By § 6. of 3, 4 Will. IV. c. 98. such Bank Notes are declared a legal Tender for all sums above £.5; except at the Bank of England and its Branch Banks. By 4, 5 Will. IV. c. 80. Provision is made for the repayment to the Bank of one-fourth of the Debt from the Public to the Bank; and the Bank is continued a Corporation until the Redemption of £.4,080,000 Reduced Annuities mentioned in that Act.	Determinable upon one Year's Notice given within Six Months after 1 August & Repayment of Debt due from the Public.
	7 - -	7 § 5. 6. 7. 61.		
	12 - -	11 § 23. 24. 25.		
	15 Geo. 2.	13 § 3. 4. 5.		
	4 Geo. 3.	25 § 12. 13. 14.		
	21 - -	60 § 11. 12.		
	39, 40 -	28 § 14. 15.		
	56 - -	96.		
	7 Geo. 4.	46.		
	3, 4 W. IV.	98.		
	4, 5 W. IV.	80.		
4.  ROYAL FAMILY.	18 Geo. 3.	31.	For enabling his Majesty to settle on their Royal Highnesses the Princes [Frederick Bishop of Osnaburgh, <sup>(1)</sup> ] [William Henry, <sup>(2)</sup> ] [Edward, <sup>(3)</sup> ] Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an Annuity of Sixty thousand Pounds per annum; <sup>(4)</sup> and also to settle on their Royal Highnesses the Princesses [Charlotte Augusta Matilda, <sup>(5)</sup> ] Augusta Sophia, <sup>(6)</sup> Elizabeth, <sup>(7)</sup> Mary, and Sophia, one other Annuity of Thirty thousand Pounds per annum; and also to settle on his Highness Prince William Frederick, one other Annuity of Eight thousand Pounds per annum; <sup>(8)</sup> and on her Highness the Princess Sophia Matilda, one other Annuity of Four thousand Pounds per annum.  N. B.—By 39 Geo. 3. c. 30. his Majesty was enabled to settle on her Royal Highness Princess Amelia, part of the said Annuity of £.30,000.—The Princess died 2d Nov. 1810. By 52 Geo. 3. c. 57. the annuity to the Princesses is increased to £.36,000. <sup>(1)</sup> Prince Frederick Duke of York, deceased in 1827. <sup>(2)</sup> His late Majesty King William IV.; this ceased; see stat. 1 Will. IV. st. 2. c. 25. § 9. <sup>(3)</sup> Prince Edward, Duke of Kent, deceased in 1820. <sup>(4)</sup> This Annuity of £.60,000 was, by § 2 of 1 Geo. 4. c. 108, charged on the Consolidated Fund during the life of his Majesty King Geo. IV.; and by stat. 1 Will. IV. st. 2. c. 25. § 11, the Annuities of £. 15,000 each, payable to the three Princes (the Dukes of Cumberland, Sussex, and Cambridge), are charged on that Fund, during their respective lives. <sup>(5)</sup> Princess Charlotte Augusta Matilda, Queen of Wirtemberg, deceased in 1828. <sup>(6)</sup> Princess Augusta Sophia, deceased in 1840. <sup>(7)</sup> Duchess of Hesse Hombourg, deceased in 1840. <sup>(8)</sup> Prince William Frederick, Duke of Gloucester, deceased in 1834. [For further Grants, see <i>post</i> , N° 9, 12, 13, 14, 18, 29, 46, and 70.]	Lives of the Grantees.
	and see			
	46 - -	145.		
	47 - - } st. 1. }	39.		
	52 - -	57.		
	1 Geo. 4.	108.		
	1 Will. IV.	25.		
	Sess. 2.	§ 9. 11.		

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.*</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
5. ANNUITIES.	29 Geo. 3. amended 30 - -	41. 45.		For raising a certain sum of Money, by way of Annuities, to be attended with the benefit of survivorship, in classes.  [By the Act 30 Geo. 3. these Annuities are converted into annuities for 69 years and $\frac{1}{4}$ from 10th October 1790.]	5 January	1860
6. EAST INDIA COMPANY. (Friendly Ships.)	37 Geo. 3.	117.	19 July 1797.	For regulating the Trade to be carried on with the British Possessions in India, by the ships of Nations in amity with His Majesty.	Continuance of the East India Company's Trade & Ter- ritorial Rights. (See N° 2.)	

(B.) ACTS OF THE IRISH PARLIAMENT,  
PASSED BEFORE THE UNION OF GREAT BRITAIN AND IRELAND,  
(Amended and continued by Acts of the Parliament of the United Kingdom.)

Matter.	Date.	Ch.	Title of the Act.	Duration.
7.       BANK  of  IRELAND.	21,22Geo.3.	16.	For establishing a Bank, by the name of The Governor and Company of the Bank of Ireland	
	amended by			
	36 - -	22.		
	37 - -	50.		
	Acts of the United Parliament.		To regulate the repayment of certain sums advanced by the Governor and Company of the Bank of Ireland, for the Public Service.	
	48 - -	103.		
	1,2Geo.4.	72.		
	3 Geo. 4.	26.		
	7 Will. 4. } & 1 Vict. }	59.		
	1, 2 Vict.	81.		
	2,3 Vict.	91.		
	3, 4 Vict.	75.		
The several Loans from the Bank to the Public may be repaid, &c. upon - - - - -			6 Months' notice after 1 January	
			1841	

(C.) ACTS OF THE UNITED PARLIAMENT;  
SUBSEQUENT TO 1<sup>ST</sup> JANUARY 1801:  
THE COMMENCEMENT OF  
THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
8. ANNUITIES.	43 Geo. 3.	67.	24 June 1803.	For raising the sum of Twelve Millions, by way of Annuities.	56 Years and 9 Months from 5 April 1803; i. e. 5 January 1860
9. ROYAL FAMILY.	46 Geo. 3.  amended 47 (st. 1.)	145.  39.	22 July 1806.  9 April 1807.	For enabling his Majesty to settle Annuities on certain Branches of the Royal Family. <sup>1</sup> Viz. Dukes of [Clarence,] [Kent,] Cumberland, Sussex, and Cambridge, [Princess Charlotte of Wales,] [Duchess Dowager of Gloucester,] [Duke of Gloucester,] and Princess Sophia of Gloucester. <sup>2</sup> His late Majesty King William IV. This ceased: see 1 Will. IV. st. 2. c. 25. § 9. <sup>3</sup> Expired, as to these Grantees, by their decease.	Lives of the Grantees.
10. ARMS; IRELAND.	47 Geo. 3. (st. 2.) continued & amended 50 Geo. 3. continued 53 Geo. 3. revived & continued 57 Geo. 3. 1 Geo. 4. continued 4 Geo. 4. continued & amended 10 Geo. 4. revived & continued 1, 2 Will. IV. continued 2, 3 Will. IV. 4, 5 Will. IV. 6, 7 Will. IV. amended & continued 1, 2, Vict. continued. 3, 4, Vict.	54. 109. 78. 21. 47. 14. 47. 47. 70, § 1. 53, § 1. 39, § 1. 71. 32.	13 Aug. 1807.                    28 July 1836. 4 Aug. 1838. 23 July 1840.	To prevent improper persons from having Arms in Ireland.	23 July 1841 and END of then NEXT SESSION.

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued</i> .						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
11. PORTUGUESE DOMINIONS, (Trade with.)	51 Geo. 3.	47.	31 May 1811.	For carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation, concluded between his Majesty and his Royal Highness the Prince Regent of Portugal. And see § 8 of 59 Geo. 3. c. 54. & 2, 3 Will. 4. c. 84. s. 62. 64. <i>post</i> , N° 17.	Continuance of the Treaty (dated 19 Feb. 1810) with Portugal.	
12. ROYAL FAMILY.	56 Geo. 3.	24.	11 April 1816.	For better enabling his Majesty to make provision for the Establishment of [her Royal Highness the Princess Charlotte Augusta, and <sup>1</sup> ] his Serene Highness Leopold George Frederick Duke of Saxe, Margrave of Meissen, Landgrave of Thuringuen, Prince of Co-burgh of Saalfeld. <sup>1</sup> Expired, as to the Princess, by her decease in 1817.	Life of Prince Leopold.	
13. ROYAL FAMILY.	58 Geo. 3.	24.	8 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Cambridge; and <sup>1</sup> ] to settle an Annuity on the Princess of Hesse, in case she shall survive his said Royal Highness <sup>2</sup> . <sup>1</sup> As to the Duke, see 1 Geo. 4. c. 108. <i>post</i> , N° 18.	<sup>2</sup> Life of the Princess.	
14. ROYAL FAMILY.	58 Geo. 3.	25.	8 May 1818.	For enabling his Majesty to settle an Annuity on her Royal Highness the Duchess of Cumberland, in case of her surviving his Royal Highness the Duke of Cumberland.	Life of the Duchess.	
15. CHURCHES.	58 Geo. 3. 45. amended 59 Geo. 3. 134. 3 Geo. 4. 72. 5 Geo. 4. 103. and continued 7, 8 Geo. 4. 72. amended 1, 2 Will. IV. 38. 2, 3 Will. IV. 61. prolonged 1 Vict. 75. amended 1, 2 Vict. 107.		30 May 1818.        2 July 1827. 15 Oct. 1831. 11 July 1831.  17 July 1837.  15 Aug. 1838.	For building, and promoting the building, of Additional Churches in populous Parishes.  By § 8 of 58 Geo. 3. c. 45. the duration of the Commissions granted to the Commissioners for executing the Acts, unless revoked by the King, was limited to 10 years. By § 1 of 7, 8 Geo. 4. c. 72, the duration is extended 10 years further; and by 1 Vict. c. 75, for 10 years, &c. further, unless Her Majesty shall think fit sooner to revoke the said Commissions.	20 July and END of then NEXT SESSION.	1848







(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued</i> .						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
22. NEW- FOUNDLAND, (Marriages.)	5 Geo. 4. continued 10 Geo. 4. 2, 3 Will. IV	68. 17. 78. § 1.	17 June 1824. 14 May 1829. 1 Aug. 1832.	To repeal an Act [57 Geo. 3. c. 51.] to regulate the Celebration of Marriages in Newfoundland; and to make further Provisions for the Celebration of Marriages in the said Colony and its Dependencies.	Until repealed, &c. by the Colonial Legislature.	
23.  INSOLVENT DEBTORS, EAST INDIES.	9 Geo. 4. continued 2 Will. IV. amended 4, 5 Will. IV. continued 6, 7 Will. IV. continued 3, 4 Vict.	73.  43.  79.  47.  80.	19 July 1828. 1 June 1832. 14 Aug. 1834. 28 July 1836. 7 Aug. 1840.	To provide for the Relief of Insolvent Debtors in the East Indies	1 March and END of then NEXT SESSION.	1845
24.  NEW SOUTH WALES, &c.	9 Geo. 4. continued 6, 7 Will. IV. 1 Vict. 1, 2 Vict. continued & amended 2, 3 Vict. continued & amended 3, 4 Vict.	83.  46. 42. 50.  70.  62.	25 July 1828. 28 July 1836. 12 July 1837. 27 July 1838. 24 Aug. 1839. 7 Aug. 1840.	To provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.	31 December and END of then NEXT SESSION.	1841
25.  WESTERN AUSTRALIA.	10 Geo. 4. continued 5, 6 Will. IV. 6, 7 Will. IV. 1, 2 Vict.	22.  14. 68. 46.	14 May 1829. 3 July 1835. 13 Aug. 1836. 27 July 1838.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.	1841

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
26. FRIENDLY SOCIETIES.	10 Geo. 4. amended. 2 Will. IV. 4, 5 Will. IV. 5, 6 Will. IV.	56. * 37. 40. 23.	19 June 1823. 23 May 1832. 30 July 1834. 21 Aug. 1835.	To consolidate and amend the Laws relating to Friendly Societies. * § 40, of 10 Geo. 4. c. 56. as to continuance of former Acts, and Societies established under them, was prolonged by § 1. of 2 Will. IV. c. 37. until 29 September 1834; and by § 14 of 4, 5 Will. IV. c. 40, is further prolonged until they shall conform to the Act 10 Geo. 4. as amended by 4, 5 Will. IV. c. 40. The Act 5, 6 Will. IV. c. 23. is for the establishment of Loan Societies in England and Wales; and to extend the provisions of the Friendly Societies Acts to the Islands of Guernsey, Jersey and Man. See also 6, 7 Will. IV. c. 32. as to Benefit Building Societies.	Until conformity with 10 Geo. 4. cc. 56, &c.	
27. ANNUITIES.	11 Geo. 4.	13.	3 May 1830.	For transferring certain Annuities of £.4 per cent. per annum into Annuities of £.3. 10s. or £.5 percent. per annum. § 2. The New £.5 per cents are redeemable after	5 January	1873
28. ARMS, Importation, &c. (Ireland.)	1 Will. IV. continued 2, 3 Will. IV. 4, 5 Will. IV. 6, 7 Will. IV. 1, 2 Vict. 3, 4 Vict.	44. 70. 53. 39. 71. 32.	16 July 1830. 1 August 1832. 13 Aug. 1834. 28 July 1836. 4 Aug. 1838. 23 July 1840.	To regulate the Importation of Arms, Gunpowder and Ammunition into Ireland; and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in Ireland.	23 July and END of then NEXT SESSION.	1841
29. ROYAL FAMILY. THE QUEEN DOWAGER.	1, 2 Will. IV.	11.	2 Aug. 1831.	For enabling His Majesty to make provision for supporting the Royal Dignity of The Queen in case she shall survive His Majesty.	Life of HER MAJESTY the QUEEN DOWAGER.	
30. LINEN, HEMPEN, COTTON and other MANU- FACTURES, (Ireland.)	2, 3 Will. IV. 5, 6 Will. IV. 1, 2 Vict. amended 3, 4 Vict.	77. 27. 52. 91.	1 Aug. 1832. 21 Aug. 1835. 27 July 1838. 10 Aug. 1840.	For the better Regulation of the Linen and Hempen Manufactures of Ireland. The Act 5, 6 Will. IV. c. 27, is intituled, "An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland." It appears rather to supersede than to continue the Act 2, 3 Will. IV. c. 77. See §§ 15 & 38, as to the continuance of Committees appointed under 2, 3 Will. IV. c. 77, after the end of the Session, until removed by the Lord Lieutenant of Ireland. The term of duration applies only to the last Act. See § 38 of that Act. By 1, 2 Vict., c. 52, the Act 5, 6 Will. IV. c. 27, is continued for five years, &c. By 3, 4 Vict. c. 91. the former Acts are in part repealed, and provision made for the above, and other manufactures until -	27 July and END of then NEXT SESSION. 10 August and END of then NEXT SESSION.	1843 1841

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
31. INSANE PERSONS.	2, 3 Will. IV. amended 3, 4 Will. IV. continued 5, 6 Will. IV. 1, 2 Vict.	107. 64. 22. 73.	11 Aug 1832. 28 Aug 1833. 21 Aug. 1835. 10 Aug. 1838.	For regulating [for Three Years, and from thence until the End of the then next Session of Parliament] the Care and Treatment of Insane Persons in England.	10 August 1841 and END of then NEXT SESSION.
32. PARTY PROCESSIONS (Ireland.)	2, 3 Will. IV. continued 1, 2 Vict.	118. 34.	16 Aug. 1832. 4 July 1838.	To restrain [for Five Years] in certain cases, Party Processions in Ireland.	4 July 1843 and END of then NEXT SESSION.
33. POOR Scotch and Irish Removal.	3, 4 Will. IV. continued and amended 7 Will. IV. continued 3, 4 Vict.	40. 10. 27.	14 Aug. 1833. 21 April 1837. 3 July 1840.	To repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other Provisions in lieu thereof.	1 August 1843 and END of then NEXT SESSION.
34. LAW Amendment.	3, 4 Will. IV.	42.	14 Aug. 1833.	For the further Amendment of the Law and the better Advancement of Justice.  § 3. Limitation of certain Actions to be brought after the end of the Session 3, 4 Will. IV.	Ten Years, i. e. 29 August 1843
35. CHIMNEY SWEEPERS.	4, 5 Will. IV. continued 3, 4 Vict.	35. 85.	25 July 1834. 7 Aug. 1840.	For Regulation of Chimney Sweepers and their Apprentices, and better construction of Chimneys.  Further continued until - - - -	1 July 1842
36. EAST INDIA Company.	53 G. III. 3, 4 Will. IV.	155. 85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till - - - -  § 12. Dividend shall be subject to Redemption by Parliament (on 12 months' notice) upon and at any time after - - - -  § 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may demand Redemption of the Dividend.	30 April 1854  30 April 1874

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
37. POOR LAW Commissioners.	4, 5 Will. IV. amended 6, 7 Will. IV.  2, 3 Vict.  3, 4 Vict.	76.  107.  { 83. 84. 85. }	14 Aug. 1834.  20 Aug. 1836.  26 Aug. 1839.  4 Aug. 1840.	For the Amendment and better Administration of the Laws relating to the Poor in England and Wales.  § 10. Power of the Commissioners, and of appointing them.  The Act 6, 7 Will. IV. extends the period for the repayment of Loans, from 10 years to 20.  Commission continued until - - - -	31 December	1841
38. SOUTHERN AUSTRALIA.	4, 5 Will. IV. amended 1, 2 Vict.	95.  60.	15 Aug. 1834.  31 July 1838.	To empower His Majesty to erect Southern Australia into a British Province or Provinces; and to provide for the Colonization and Government thereof.  4, 5 Will. IV. c. 95, § 25. If after 10 years from the passing of the Act the Population shall be less than 20,000 natural-born Subjects, Public Lands then unsold may be disposed of by the Crown.	15 August	1844
39. ROAD Presentments and Contracts, (Ireland.)	5, 6 Will. IV.	31.	21 Aug. 1835.	To give effect and validity to certain Contracts and Presentments for Repairing and keeping in Repair certain Public Roads in Ireland, and the Sureties entered into for the Execution thereof.	As to Contracts, &c., for One Year.	
40. TURNPIKE, &c. ACTS (Ireland.)	6, 7 Will. IV. continued 1, 2 Vict. continued 3, 4 Vict.	40.  72.  46.	28 July 1836.  4 Aug. 1838.  4 Aug. 1840.	To continue the several Acts for regulating the Turnpike Roads in Ireland until - - - - -	4 August and END of THEN NEXT SESSION.	1841

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
41. ECCLESIASTICAL DIGNITIES, OFFICES, PREFERMENTS, SINECURE RECTORIES and ECCLESIASTICAL COURTS, (E. & W.)       ECCLESIASTICAL DUTIES and REVENUES, (E. & W.)	5, 6 Will. IV.	30.	21 Aug. 1835.	For protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices, without Cure of Souls, &c.	1 August and if Parliament shall then be sitting, to the END of THAT Session.       1 August and if Parliament shall then be sitting, to the END of THAT Session.	1841
	6, 7 Will. IV.	67.	13 Aug. 1836.	For suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.		
	1 Vict.	71.	15 July 1837.			
	1, 2 Vict.	108.	15 Aug. 1838.	To suspend certain Cathedral and other Ecclesiastical Preferments, and the operation of the new Arrangement of Dioceses upon Ecclesiastical Courts.		
	2 Vict.	14.	4 June 1839.			
	2, 3 Vict.	55.	17 Aug. 1839.	§ 60. Former Acts continued in part, as to Dioceses or Cathedral Churches of St. Asaph, and Bangor, until - - - - -		
	3, 4 Vict.	113.	11 Aug. 1840.			
	6, 7 Will. IV.	77.	13 Aug. 1836.			
	1 Vict.	71.	15 July 1837.			
	1, 2 Vict.	108.	15 Aug. 1838.			
2, 3 Vict.	55.	17 Aug. 1839.				
3, 4 Vict.	113.	11 Aug. 1840.				
42. STANNARY COURTS, (Cornwall.)	6, 7 Will. IV.	106.	20 Aug. 1836.	To make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall; and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.  § 23. Appointment of Registrar.	During the continuance in Office of the present Lord Warden.	
43. SLAVE TRADE TREATIES.	1 Vict.	62.	15 July 1837.	To authorize Her Majesty to carry into immediate execution, by Orders in Council, any Treaties, Conventions or Stipulations made with any Foreign Power or State, for the Suppression of the Slave Trade, until - - - - -	8 Months after the commencement of this Session. i. e. 26 September	1841
	revived and continued					
	1, 2 Vict.	102.	14 Aug. 1838.			
	2, 3 Vict.	57.	17 Aug. 1839.			
	continued					
3, 4 Vict.	64.	7 Aug. 1840.				

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
44. USURY.	1 Vict. amended and extended 2, 3 Vict. continued 3, 4 Vict.	80.  37. 83.	17 July 1837.  29 July 1839.  7 Aug. 1840.	To exempt certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury, until -	1 January 1843
45. CIVIL LIST.	1 Vict. st. 2.	2.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - -	6 Months after the Death of The Queen.
46. ROYAL FAMILY. DUCHESS OF KENT.	1 Vict. st. 2.	8.	20 Jan. 1838.	To enable Her Majesty to grant an Annual Sum to Her Royal Highness Victoria Maria Louisa Duchess of Kent - - - - -	Life of the Duchess.
47. TURNPIKE ACTS.	1, 2 Vict.  continued 3, 4 Vict.	68.  45.	4 Aug. 1838.  4 Aug. 1840.	To continue the Local Turnpike Acts for Great Britain, which expire with this or the ensuing Session of Parliament, until - - - - -	1 June or, if Parliament be then sitting, END of that session. 1842
48. BANKING COMPANIES.	1, 2 Vict. continued 2, 3 Vict. continued and extended 3, 4 Vict.	96.  68. 111.	14 Aug. 1838.  24 Aug. 1839.  11 Aug. 1840.	To amend the Law relative to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies. Farther continued, until - - - - - § 2. Extended to embezzling Notes.	31 August 1842
49. CORNWALL and LANCASTER, DUCHIES of.	1, 2 Will. 4. 1, 2 Vict.	5. 101.	14 Aug. 1838.	To revive and continue an Act [1, 2 Will. IV. c. 5,] to enable His [late] Majesty to make Leases, Copies and Grants of Offices, Lands and Hereditaments, Parcel of the Duchy of Cornwall, or annexed to the same; and to make Provision for rendering to Parliament Annual Accounts of the Receipts and Disbursements of the Duchies of Cornwall and Lancaster -	§ 1. While the Duchy of Cornwall remains vested in The Queen.

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
50.  MUTINY ACT (Army.)	3 Vict.	6.	3 April 1840.	For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.  Continuance: In Great Britain - - - - - - - Ireland, Jersey, &c. - - - - - - - Gibraltar, the Mediterranean, Spain and Portugal - - - - - - - Elsewhere in Europe, and in the West Indies and America - - - - - Cape of Good Hope, Isle of France, Mauritius, St. Helena, and Western Coast of Africa - - - - Elsewhere - - -  See § 80 of the Act, and the proviso at the end thereof, as to commencement of the Act in Foreign Parts, by promulgation in General Orders.	25 April 1 May 1 August 1 Sept.  1 January 1 February	1841     1842 1843
51.  MUTINY ACT, (Marine Forces.)	3 Vict.	8.	3 April 1840.	For the regulation of Her Majesty's Royal Marine Forces while on shore.  Continuance: In Great Britain - - - - - - - Ireland, Jersey, &c. - - - - - - - Gibraltar, Spain and Portugal - - - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope - - - - - Elsewhere - - -	25 April 1 May 25 July  25 Sept. 25 Nov.	1841     
52.  BRITISH MUSEUM.	2 Vict.	10.	4 June 1839.	For enabling the Trustees of the British Museum to purchase certain Houses and Ground for the Enlargement of the Museum, and making a suitable Access thereto.	4 June 6 Years after passing this Act.	1845
53.  ANNUAL DUTIES, Sugar.	6, 7 Will. 4. 3, 4 Vict.	26. 23.	3 July 1840.	For granting to Her Majesty, until the 5th day of July 1841, certain Duties on Sugar imported into the United Kingdom, for the Service of the year 1840 - - - -  See 1 Vict., c. 57, as to Duties on Sugar made from Beet Root in the United Kingdom. See 3, 4 Vict., c. 57, as to Duties on Sugar manufactured in the United Kingdom.	5 July.	1841
54.  TURNPIKE ACTS, (E. & W.)	3, 4 Vict.	45.	4 Aug. 1840.	To continue the local Turnpike Acts in England and Wales, which expire with this or the ensuing Session of Parlia- ment, until - - - -	1 June or, if Parliament be then sitting, END of that SESSION.	1842



(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
55. EXCISE, SOAP.	2, 3 Vict.	32.	29 July 1839.	To continue certain of the Allowances of the Duty of Excise upon Soap used in Manufactures, until - - - See also 3, 4 Vict., c. 49, s. 71.	END of the SESSION of Parliament next after 31 May	1841
56. INDEMNITY OFFICES, &c.	3 Vict.	16.	19 June 1840.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those purposes respectively until - - - - -	25 March	1841
57. ELECTION PETITIONS.	2, 3 Vict.	38.	17 Aug. 1839.	To amend the Jurisdiction for the Trial of Election Petitions.  Act 9 Geo. IV. c. 22, and part of 42 Geo. III. c. 106, as to Controverted Elections (in England and Ireland), suspended until -	END of Second SESSION of the first Parliament to be called after the Dissolution of this Parliament.	
58. PRISONS (Scotland.)	2, 3 Vict.	42.	17 Aug. 1839.	To improve Prisons and Prison Discipline in Scotland.	1 January and END of then NEXT SESSION.	1851
59. MILITIA BALLOT SUSPENSION.	3, 4 Vict.	71.	7 Aug. 1840.	To suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, until - - -	END of this PRESENT SESSION	1841
60. TIMBER.	3, 4 Vict.	36.	23 July. 1840.	To prevent Ships clearing out from a British North American Port loading any part of their Cargo of Timber upon Deck, until - - - - -	1 May	1842
61. MILITIA PAY, (G. B. & I.)	3, 4 Vict.	70.	7 Aug. 1840.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances to certain Officers of the Militia, until - - - - -	1 July	1841

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
62. OATHS, UNLAWFUL, (Ireland.)	2, 3 Vict.	74.	24 Aug. 1839.	To extend and render more effectual, for Five Years, an Act passed in the fourth year of his late Majesty George the Fourth [4 Geo. 4. c. 87], to amend an Act passed in the fiftieth year of his Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.	1 September	1844
63. CORPORATE PROPERTY (Ireland.)	2, 3 Vict.  continued and amended 3, 4 Vict.	76.  109.	24 Aug. 1839.  10 Aug. 1840.	To restrain the Alienation of Corporate Property in certain Towns in Ireland.  Further restrained (Sect. 12.)	Until Act for regulating Municipal Corporations in Ireland shall come into operation, or 25 October	1841
64. ASSAULTS (Ireland.)	2, 3 Vict.	77.	24 Aug. 1839.	For the better Prevention and Punishment of Assaults in Ireland, for Five years.	1 September	1844
65. HIGHWAY RATES. (E.)	2, 3 Vict.  amended 3, 4 Vict.	81.  98.	24 Aug. 1839.  10 Aug. 1840.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain cases [for One year], &c.	24 August and END of then NEXT SESSION. i. e. END of THIS SESSION.	1840
66. MANCHESTER POLICE.	2, 3 Vict.	87.	26 Aug. 1839.	For improving the Police in Manchester [for Two years], &c.  See also 3 & 4 Vict. c. 30.	26 August and END of then NEXT SESSION.	1841
67. BIRMINGHAM POLICE.	2, 3 Vict.	88.	26 Aug. 1839.	For improving the Police in Birmingham [for Two years], &c.  See also 3 & 4 Vict. c. 30.	26 August and END of then NEXT SESSION.	1841
68. BOLTON POLICE.	2, 3 Vict.	95.	27 Aug. 1839.	For improving the Police in Bolton [for Two years], &c.  See also 3 & 4 Vict. c. 30.	27 August and END of then NEXT SESSION.	1841

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
69. FISHERIES.	2, 3 Vict.	96.	27 Aug. 1839.	To authorize Her Majesty, until Six Months after the commencement of the next Session of Parliament, to carry into effect a Convention between Her Majesty and the King of the French, relative to the Fisheries on the Coasts of the British Islands and France.	6 Months after the Commencement of THIS SESSION; i. e. 26 July	1841
	continued 3; 4 Vict.	69.	7 Aug. 1840.	Further continued until . . . . .		
70. ROYAL FAMILY. PRINCE ALBERT.	3 Vict.	3.	7 Feb. 1840.	For enabling Her Majesty to grant an Annuity to His Serene Highness Prince Albert of Saxe Coburg and Gotha.	Life of His Serene Highness.	
71. MANCHESTER, BIRMINGHAM and BOLTON POLICE RATES.	3, 4 Vict.	30.	23 July 1840.	For the more equal Assessment of Police Rates in Manchester, Birmingham and Bolton, and to make better Provision for the Police of Birmingham [for One year], &c.	23 July and END of then NEXT SESSION.	1841
72. POOR'S RATES STOCK IN TRADE EXEMPTION.	3, 4 Vict.	89.	10 Aug. 1840.	To exempt Inhabitants of Parishes, &c. from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until . . . . .	1 December	1841
73. WATERFORD COUNTY RATES VALUATION [Ireland.]	3, 4 Vict.	109.	10 Aug. 1840.	To annex certain parts of Counties of Cities to adjoining Counties in Ireland, &c.  § 5. Commissioners under 1 Vict. c. 61, re-appointed, and their Powers to continue for One year.	10 August	1841
74. LOAN SOCIETIES.	3, 4 Vict.	110.	11 Aug. 1840.	To amend the Laws relating to Loan Societies.	31 December	1841

II.					
EXPIRED LAWS;					
V I Z. :					
BETWEEN 16 JANUARY 1840 AND 26 JANUARY 1841.					
Extending to	Subject.	Original Acts.	Last continuing Acts.	Time of Expiration.	
1. Nova Scotia.	NOVA SCOTIA CANAL.	1 Will. IV. c. 34.	- - - -	16 July	1840
2. British Colonies.	SLAVERY ABOLITION.	3, 4 Will. IV. c. 73.	1 Vict. stat. 2. c. 3.	1 August	1840
3. Ireland.	PEACE PRESERVATION.	5, 6 Will. IV. c. 48.	- - - -	31 August	1840
4. Jamaica.	SLAVERY ABOLITION.	6 Will. IV. c. 16.	- - - -	1 August	1840
5. Lower Canada.	LOWER CANADA.	1 Vict. stat. 2, c. 9.	2, 3 Vict. c. 53.	1 November	1840
London.	LONDON METROPOLIS THOROUGHFARES.	2, 3 Vict. c. 80.	- - - -	24 August	1840

### III.

## EXPIRING LAWS;

VIZ.:

IN THE COURSE OR AT THE END OF THE PRESENT SESSION:

Or after 26th January 1841, and on or before 1st August 1842, &c.

*N. B.*—" &c." after any Date in the following List, signifies—to the End of the Session which will commence next after the Date specified. In one or two cases it refers to the existing Session.

#### ACTS EXPIRING AT THE END OF THE PRESENT SESSION, 4 VICT.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N° in Register.</i>
E. & W.	ECCLESIASTICAL MATTERS.	5, 6 Will. IV. c. 30.	3, 4 Vict. c. 113.	41.
E.	HIGHWAY RATES.	2, 3 Vict. c. 81.	3, 4 Vict. c. 98.	65.
U. K.	MILITIA BALLOT SUSPENSION.	3, 4 Vict. c. 71.	- - - -	59.

## ACTS EXPIRING after 26th January 1841, and on or before 1st August 1842, &amp;c.

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N<sup>o</sup> in Register.</i>
<u>1841 :</u>					
25 March - -	U. K.	Indemnity Offices -	3, 4 Vict. c. 16. -	- - - - -	56.
25 April - -	U. K.	Mutiny Acts - -	3, 4 Vict. cc. 6, 8. -	- - - - -	{ 50. 51.
19 May, &c. -	I.	Insolvent Debtors -	1, 2 Geo. IV. c. 59.	3 Vict. c. 14. - -	19.
31 May, &c. -	U. K.	Excise Soap - -	2, 3 Vict. c. 32. -	3, 4 Vict. c. 49. -	55.
1 July - -	U. K.	Militia Pay, &c. -	3, 4 Vict. c. 70. -	- - - - -	61.
5 July - -	U. K.	{ Annual Duties; Sugar, &c. - }	6, 7 Will. IV. c. 26. -	3, 4 Vict. c. 23. -	53.
23 July, &c. -	I.	Arms - - -	47 Geo. III. § 2, c. 54.	3, 4 Vict. c. 32. -	10.
23 July, &c. -	I.	Arms Importation -	1 Will. IV. c. 44. -	3, 4 Vict. c. 32. -	28.
23 July, &c. -	E.	Manchester, Birmingham and Bolton Police Rates -	3, 4 Vict. c. 30. -	- - - - -	71. 1
26 July - -	U. K.	Fisheries - -	2, 3 Vict. c. 96. -	3, 4 Vict. c. 69. -	69.
4 August, &c.	I.	Turnpike, &c. Acts -	6, 7 Will. IV. c. 40. -	3, 4 Vict. c. 46. -	40.
10 August -	I.	{ Waterford County Rates Valuation - }	3, 4 Vict. c. 109. -	- - - - -	73.
10 August, &c.	I.	{ Linen, &c., Manu- factures - - }	2, 3 Will. IV. c. 77.	3, 4 Vict. c. 91. -	30.
10 August, &c.	E.	Insane Persons -	2, 3 Will. IV. c. 107.	1, 2 Vict. c. 73. -	31.
26 August, &c.	E.	Manchester Police -	2, 3 Vict. c. 87. -	- - - - -	66.
26 August, &c.	E.	Birmingham Police -	2, 3 Vict. c. 88. -	- - - - -	67.
26 August, &c.	E.	Bolton Police - -	2, 3 Vict. c. 95. -	- - - - -	68.
26 September	—	Slave Trade Treaties	1 Vict. c. 62. - -	3, 4 Vict. c. 64. -	43.
25 October -	I.	Corporate Property -	2, 3 Vict. c. 76. -	3, 4 Vict. c. 109. -	63.
1 December -	E.	{ Poor Rates Stock in Trade, &c., Ex- emption - - }	3, 4 Vict. c. 89. -	- - - - -	72.
31 Dec., &c. -	N.S.W.	New South Wales -	9 Geo. IV. c. 83. -	3, 4 Vict. c. 62. -	24.
31 Dec., &c. -	Australia	Western Australia -	10 Geo. IV. c. 22. -	1, 2 Vict. c. 46. -	25.
31 Dec. - -	{ E. & W. }	{ Poor Law Commis- sioners - - }	4, 5 Will. IV. c. 76 -	3, 4 Vict. c. 42. -	37.
31 Dec. - -	E. & W.	Loan Societies -	3, 4 Vict. c. 110. -	- - - - -	74.

ACTS EXPIRING after 26th January 1841, and on or before 1st August 1842, &c.—*continued.*

<i>Period of Duration.</i>	<i>Extend- ing to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N° in Register.</i>
1842 : <u>      </u>					
5 April - -	G. B.	{ Assessed Taxes } Composition - }	59 Geo. III. c. 51. -	3, 4 Vict. c. 38. -	16.
1 May - -	—	Timber - - -	3, 4 Vict. c. 36. -	- - - - -	60.
1 June, &c. -	{ E. & W. }	Turnpike Acts -	3, 4 Vict. c. 45. -	- - - - -	54.
1 June, &c. -	G. B.	- - ditto - -	1, 2 Vict. c. 68. -	3, 4 Vict. c. 45. -	47.
1 July - -	U. K.	Chimney Sweepers -	4, 5 Will. IV. c. 35.	3, 4 Vict. c. 85. -	35.
31 August - -	U. K.	Banking Companies	1, 2 Vict. c. 96. -	3, 4 Vict. c. 111. -	48.

## IV.

## LIST OF LAWS,

WHEREOF

THE DURATION DEPENDS ON PUBLIC CONTINGENCIES.

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>N° in Register.</i>
G. B.	ROYAL FAMILY.	18 Geo. III. c. 31. - 46 Geo. III. c. 145. - 47 Geo. III. st. 1. c. 39. 52 Geo. III. c. 57. - 56 Geo. III. c. 24. - 58 Geo. III. cc. 24. 25. - 1 Geo. IV. c. 108. § 1. 1 Will. IV. c. 25. - 1, 2 Will. IV. c. 11. - 1 Vict. st. 2. c. 8. - 3 Vict. c. 3. - - -	- - - - -	Lives of Grantees.	4. 9. 12. 13. 14. 18. 29. 46. 70.
E.	BANK of England.	5, 6 W. & M. c. 20. § 20. 8, 9 Will. III. c. 20. § 26-28 - - - 9, 10 Will. III. c. 44. § 75. 10 Geo. IV. c. 31. - 6 Anne, c. 22. § 9. - 7 Anne, c. 7. § 5, 6, 7, 61. - - - - 12 Anne, c. 11. § 23-25. 15 Geo. II. c. 13. § 3, 5. 4 Geo. III. c. 25. § 12-14 21 Geo. III. c. 60. § 11, 12 39, 40 Geo. III. c. 28. § 14, 15 - - - 7 Geo. IV. c. 46. - 3, 4 Will. IV. c. 98. -	10 Geo. IV. c. 31. § 24. 4, 5 Will. IV. c. 80. -	Until Redemption of Bank Annuities. Expiration of One Year's Notice within Six Months after 1 August 1844.	1. 3.



IV. ACTS whereof the Duration depends on PUBLIC CONTINGENCIES—*continued.*

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>N<sup>o</sup> in Register.</i>
I.	BANK of Ireland.	21, 22 Geo. III. (1.) c. 16. 36 Geo. III. c. 22. - - 37 Geo. III. c. 50. - - - 48 Geo. III. c. 103. - - 1, 2 Geo. IV. c. 72. - - 3 Geo. IV. c. 26. - - 1 Vict. c. 59. - - 1, 2 Vict. c. 81. - - 2, 3 Vict. c. 91. - - -	3, 4 Vict. c. 75. - -	Expiration of 6 Months' Notice after 1 January 1841.	7.
U. K.	PORTUGUESE DOMINIONS; Trade with.	51 Geo. III. c. 47. - 59 Geo. III. c. 54. § 8.	- - - - -	Continuance of Treaty with Portugal.	11. 17.
U. K.	AMERICAN and PORTUGAL Trade, &c.	59 Geo. III. c. 54.	- - - - -	Continuance of Treaties.	17.
U. K.	NEWFOUNDLAND.	5 Geo. IV. cc. 67, 68. 10 Geo. IV. c. 17.	2, 3 Will. IV. c. 78.	Until Repealed by Colonial Legislature.	21. 22.
E.	FRIENDLY SOCIETIES.	10 Geo. IV. c. 56. 2 Will. IV. c. 37. 4, 5 Will. IV. c. 40. 5, 6 Will. IV. c. 23.	- - - - -	Continuance of former Acts, until conformity with 10 Geo. IV.	26.
E.	STANNARY COURTS.	6, 7 Will. IV. c. 106. § 23.	- - - - -	Continuance in Office of the present Lord Warden.	42.
U. K.	CIVIL LIST.	1 Vict. c. 2. - - -	- - - - -	6 Months after Death of The Queen.	45.
E.	CORNWALL and LANCASTER DUCHIES.	1, 2 Vict. c. 101. § 1.	- - - - -	While the Duchy remains vested in the Queen.	49.

## I N D E X

OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN  
THIS REPORT.

N.B.—The FIGURES refer to the Number in the Register of TEMPORARY LAWS;  
Except when *Exp.* is inserted, which refers to the List of EXPIRED LAWS.

The \* signifies that the Act relates *exclusively* to Ireland.

A.	N <sup>o</sup> in Register.	E.	N <sup>o</sup> in Register.
AMERICAN TRADE, &c. - -	17.	East India Company, (Charter), &c.	2, 36.
Annuities, Public - - -	5, 8, 27.	----- (Friendly Ships)	6.
and see Royal Family.		Ecclesiastical Matters, &c. - -	41.
* Arms, Possession of - - -	10.	Election Petitions - - -	57.
* ----- Importation of - - -	28.		
* Assaults - - - - -	64.	F.	
Assessed Taxes: Composition - -	16.	Fisheries - - - - -	69.
Australia (Western) - - -	25.	Foreign Shipping - - - -	6.
----- (Southern) - - -	38.	Friendly Societies - - - -	26.
B.		H.	
Bank of England - - - -	1, 3.	Highland Roads and Bridges - -	20.
* ----- of Ireland - - - -	7.	Highway Rates - - - -	65.
Banking Copartnerships and Com-	48.		
panies.		I.	
Birmingham Police - - -	67.	Indemnity Offices, &c. - - -	56.
Bishopricks (Revenues) - - -	41.	Insane Persons - - - -	31.
Bolton Police - - - -	68.	* Insolvent Debtors - - - -	19.
British Museum - - - -	52.	----- East Indies - -	23.
C.		L.	
Canada (Lower) - - - -	Exp. 5.	Lancaster (Duchy) - - - -	49.
Churches - - - - -	15.	Law Amendment - - - -	34.
Chimney Sweepers - - - -	35.	* Linen, Hempen and other Manufactures	30.
Civil List - - - - -	45.	Loan Societies - - - -	74.
Cornwall Duchy - - - -	49.	London Thoroughfares - - - -	Exp. 6.
* Corporate Property - - - -	63.	Lunatics - - - - -	31.
		M.	
		Manchester, Birmingham and Bolton	
		Police Rates - - - -	71.
		Manchester Police - - - -	66.

	N <sup>o</sup> in Register.		N <sup>o</sup> in Register.
<b>Militia :</b>			
—— Disembodied, Pay, &c. -	61.	Ernest Augustus - - -	4.
—— Suspending Ballot - -	59.	Gloucester, Duchess - - -	18.
Mutiny Act (Army) - - -	50.	Hesse, Princess - - -	13.
—— (Marines) - - -	51.	Kent, Duchess - - -	46.
		Leiningen, Princess.	
<b>N.</b>		Leopold, Prince - - -	12.
Newfoundland :		Mary, Princess - - -	4.
—— Judicature - -	21.	The Queen Dowager - - -	29.
—— Marriages - -	22.	Sophia, Princess - - -	4, 18.
New South Wales - - -	24.	Sophia-Matilda, Princess - -	4, 9.
Nova Scotia Canal - - -	Exp. 1.	Sussex, Duke - - -	4, 9.
		Prince Albert - - -	70.
<b>O.</b>			
* Oaths, Unlawful - - -	62.	<b>S.</b>	
		Slavery, and Slave Trade Abolition -	Exp. 2, 4.
<b>P.</b>		Slave Trade Treaties - - -	43.
* Peace Preservation - - -	Exp. 3.	Soap (Allowance of Duty) - -	55.
Poor, Scotch and Irish (Removal) -	33.	Stannary Courts - - -	42.
—— Law Commission - - -	37.	Sugar Duties - - -	53.
Poor's Rates, Stock in Trade Exemption - - -	72.		
Portugal Trade - - -	11, 17.	<b>T.</b>	
Prisons (Scotland) - - -	58.	Timber - - -	60.
* Processions - - -	32.	Turnpike Road Acts (G. B.) - -	47.
		* Turnpike Roads - - -	40.
<b>R.</b>		Turnpike Acts (E. & W.) - -	54.
* Roads - - -	39.		
<b>ROYAL FAMILY:</b>		<b>U.</b>	
Princes and Princesses - - -	4, 9, 13, 14, 18.	Usury - - -	44.
Adolphus Frederick - - -	4.		
Augustus Frederick - - -	4.	<b>V.</b>	
Cambridge, Duke - - -	4, 9, 13, 18.	Van Diemen's Land - - -	24.
—— Duchess - - -	13.		
Cumberland, Duke - - -	4, 9.	<b>W.</b>	
—— Duchess - - -	14.	Waterford County Rates Valuation -	73.

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

[illegible]

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1601 UV-Visible Spectrophotometer. The concentration of chlorophyll was expressed in  $\mu\text{g mL}^{-1}$  of the sample.

[illegible]

**R E P O R T**  
**FROM THE**  
**COMMITTEE**  
**UPON**  
**EXPIRED AND EXPIRING LAWS.**



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*Ordered, by The House of Commons, to be Printed,  
3 May 1841.*

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**286.**

*Under 8 oz.*

# R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES.

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*Ordered, by The House of Commons, to be Printed,*  
8 June 1841.

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*Lunæ, 7<sup>o</sup> die Junii, 1841.*

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*Ordered, THAT* a Select Committee be appointed to prepare Estimates of the Charge of the Disembodied Militia of Great Britain and Ireland, for a Year, to the 31st day of March 1842:—

Mr. Macaulay.  
Lord Viscount Morpeth.  
Lord Viscount Howick.  
Sir Henry Hardinge.  
Sir Henry Parnell.  
Sir George Grey.  
Mr. Fox Maule.  
Colonel Gore Langton.

Mr. Hume.  
Colonel Perceval.  
Mr. Sanford.  
Mr. Robert Gordon.  
Mr. More O'Ferrall.  
Mr. Hawes.  
Mr. John Parker.  
And all Colonels of Militia.

*Ordered, THAT* Five be the Quorum of the said Committee.

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R E P O R T.

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THE SELECT COMMITTEE appointed to prepare ESTIMATES of the Charge of the DISEMBODIED MILITIA of *Great Britain* and *Ireland*, for a Year, to the 31st day of March 1842 :—HAVE prepared the said Estimates accordingly, and agreed to report the same to The House.

8 *June* 1841.

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## ESTIMATES.

## DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA of *Great Britain and Ireland*, from 1 April 1841 to 31 March 1842.

GREAT BRITAIN.	ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
STAFF:				
		£. s. d.		£. s. d.
Pay of Adjutants - - each at 8 - per diem	89	12,994 - -	89	12,994 - -
„ of Serjeant Majors - „ 1 10 „ -	89	2,977 15 10	89	2,977 15 10
„ of Serjeants - - - „ 1 6 „ -	640	17,520 - -	640	17,520 - -
Contingent Allowance, at 6 d. per annum for each Private on the Establishment, 50,888 Privates	-	1,272 4 -	-	1,272 4 -
Allowance for Medicines and Medical Attend- ance for 729 Men on the Staff, each at 2 d. per week - - - - -	-	315 18 -	-	315 18 -
On account of Clothing, and Compensation in lieu thereof - - - - -	-	1,000 - -	-	520 - -
TOTAL for the STAFF - - -	818	36,079 17 10	818	35,599 17 10
ALLOWANCES to SUBALTERNs and SURGEONS' MATES disembodied at the Peace:				
Lieutenants - each at 2 s. 6 d. per diem -	376	17,155 - -	391	17,839 7 6
Ensigns - - - „ 2 - „ - -	44	1,606 - -	46	1,679 - -
Surgeons' Mates - „ 2 6 „ - -	29	1,323 2 6	32	1,460 - -
	449	20,084 2 6	469	20,978 7 6
REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:				
In 1799: } Adjutants - each at 4 - per diem	10	730 - -	10	730 - -
39 & 40 } Serjeant-Major - at 1 - „	1	24 15 4	1	24 15 4
Geo. 3. c. 44. } and 2 6 per week				
In 1816: Second Adjutants, each at 4 - per diem	3	219 - -	3	219 - -
In 1829: 1 Paymaster, at 2 - per diem - 2 -				
1 „ - 2 6 „ - 2 6				
2 „ - 3 - „ - 6 -				
1 „ - 3 6 „ - 3 6				
11 „ - 4 - „ 2 4 -				
2 „ - 4 6 „ - 9 -				
5 „ - 5 - „ 1 5 -				
13 „ - 6 - „ 3 18 -				
36 Paymasters, at per diem £. 8 10 -	36	3,102 10 -	41	3,513 2 6
3 Surgeons, at 3 6 per diem - 10 6				
13 „ - 4 - „ 2 12 -				
2 „ - 4 6 „ - 9 -				
18 „ - 5 - „ 4 10 -				
5 „ - 6 - „ 1 10 -				
41 Surgeons, at per diem - £. 9 11 6	41	3,494 17 6	41	3,494 17 6
Reduced Allowances, carried forward - -	91	7,571 2 10	96	7,981 15 4

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN— <i>continued.</i>		ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
Reduced Allowances to Officers— <i>continued.</i>		Nos.	AMOUNT.	Nos.	AMOUNT.
			£. s. d.		£. s. d.
Brought forward	- - -	91	7,571 2 10	96	7,981 15 4
In 1829: 3 Quarter-	masters } at 2 - per diem - 6 -				
6	„ - 2 6 „ - 15 -				
3	„ - 3 - „ - 9 -				
3	„ - 3 6 „ - 10 6				
5	„ - 4 - „ 1 - -				
1	„ - 4 6 „ - 4 6				
21 Quartermasters, at per diem £. 3 5 -		21	1,186 5 -	22	1,277 10 -
TOTALS—Officers reduced on Reduction of Establishment - - - - }		112	8,757 7 10	118	9,259 5 4
RETIRED ALLOWANCES to Officers disabled by Age or Infirmary :					
	s. d.				
Adjutants, each - at 8 - per diem - -		19	2,774 - -	20	2,920 - -
Surgeons - - - 6 - „ - - -		19	2,080 10 -	20	2,190 - -
Quartermasters - 5 - „ - - -		8	730 - -	8	730 - -
Ditto - - - 3 - „ - - -		1	54 15 -	1	54 15 -
Paymaster - - - 6 - „ - - -		1	109 10 -	1	109 10 -
Ditto - - - 5 - „ - - -		1	91 5 -	1	91 5 -
Ditto - - - 4 - „ - - -		1	73 - -	1	73 - -
TOTALS—Disabled Officers - -		50	5,913 - -	52	6,168 10 -
TOTALS:					
Staff - - - - -		818	36,079 17 10	818	35,599 17 10
Allowances to 449 Subalterns, &c. 20,084 2 6					
Ditto - 112 Reduced Officers 8,757 7 10					
Ditto - 50 Disabled Officers 5,913 - -					
Allowances to 611 Officers - £. 34,754 10 4		611	34,754 10 4	639	36,406 2 10
TOTALS—Staff and Allowances to Officers -		1,429	70,834 8 2	1,457	72,006 - 8

# 6 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN—continued.				ESTIMATE to 31 March 1842, 365 Days.			ESTIMATE to 31 March 1841, 365 Days.								
OUT-PENSIONS of the British and Irish Regular Militia :							Nos.	AMOUNT.			Nos.	AMOUNT.			
Nos. of Men.	Each per diem.		Total per diem.						£.	s.	d.		£.	s.	d.
	s.	d.	£.	s.	d.										
134	-	4 ½	-	2	13	- ½									
1,012	-	5	-	21	1	8									
317	-	6	-	7	18	6									
131	-	8	-	4	7	4									
159	-	9	-	5	19	3									
256	-	10	-	10	13	4									
1	-	11	-	-	-	11									
1,661	-	1	-	83	1	-									
123	{ at various rates from 1 s. to 2 s. }		-	9	16	- ½									
3,794	Total per diem		-	£. 145	11	1									
	Total per annum			53,127	5	5									
Deduct,—		£.		s.	d.										
Probable Amount of unclaimed Pensions and Savings by Casualties, after providing for new cases		1,900		-	-										
Poundage		2,660		-	-										
		4,560		-	-										
TOTALS—(OUT-PENSIONS of the British and Irish Militia							3,794	48,567	5	5	4,014	51,537	15	2 ½	
LOCAL MILITIA OF GREAT BRITAIN :															
Reduced Adjutants, each at 4 s. per diem							116	8,468	-	-	122	8,906	-	-	
TOTALS—Allowances to Officers							116	8,468	-	-	122	8,906	-	-	
OUT-PENSIONS :															
Nos. of Men.	Each p' diem.		Total p' diem.		Per annum.										
	s.	d.	£.	s.	d.	£.	s.	d.							
12	-	5	-	5	-	-									
21	-	6	-	10	6	-									
27	-	8	-	18	-	-									
6	-	9	-	4	6	-									
26	-	10	-	1	1	8									
72	-	1	-	3	12	-									
1	-	1 10	-	1	10	-									
165			£. 6	13	6	2,436	7	6							
Deduct,—		£.		s.	d.										
Probable Amount of unclaimed Pensions and Savings by Casualties		100		-	-										
Poundage		100		-	-										
		200		-	-										
TOTALS—Out-Pensions of Local Militia							165	2,236	7	7	177	2,388	17	6	
Allowances to Officers							116	8,468	-	-	122	8,906	-	-	
TOTALS—Local Militia of GREAT BRITAIN							281	10,704	7	7	299	11,294	17	6	
GREAT BRITAIN : GENERAL RECAPITULATION :															
Regular Militia: Staff and Allowances to Officers							1,429	70,834	8	2	1,457	72,006	-	8	
Out-Pensions, including those of the Irish Regular Militia							3,749	48,567	5	5	4,014	51,537	15	2 ½	
Local Militia: Allowances to Officers and Out-Pensions							281	10,704	7	7	299	11,294	17	6	
TOTALS—REGULAR and LOCAL MILITIA of Great Britain, including the Out-Pensions of the Irish Regular Militia							5,459	130,106	1	2	5,770	134,838	13	4 ½	

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—continued.

IRELAND.	ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
<b>STAFF.</b>		£. s. d.		£. s. d.
PAY of Adjutants - each at 8 s. - d. per diem	38	5,548 - -	38	5,548 - -
„ Serjeant Majors - 1 s. 10 d. „	38	1,271 8 4	38	1,271 8 4
„ Serjeants - - 1 s. 6 d. „	250	6,843 15 -	250	6,843 15 -
Lodging and Fuel for Serjeant-Majors and Serjeants - - - - - }	- -	1,096 4 6	- -	1,096 7 3½
Allowance for Medicines and Medical Attendance, 288 Non-commissioned Officers, each at 2 d. per week - - - - - }	- -	124 16 -	- -	124 16 -
On account of Clothing, and Compensation in lieu thereof - - - - - }	- -	600 - -	- -	270 - -
Contingent Allowance at 6 d. per annum for each Private on the Establishment, 18,525 Privates - - - - - }	- -	463 2 6	- -	463 2 6
Allowance for Agency, 285 Companies, each at 1 l. 5 s. per annum - - - - - }	- -	356 5 -	- -	356 5 -
<b>TOTALS for the Staff - - - -</b>	<b>326</b>	<b>16,303 11 4</b>	<b>326</b>	<b>15,973 14 1½</b>
<b>ALLOWANCES to SUBALTERNS and ASSISTANT SURGEONS disembodied at the Peace:</b>				
Lieutenants, each at 2 s. 6 d. per diem - - -	229	10,448 2 6	238	10,858 15 -
Ensigns - - - - 2 s. - d. „ - - -	93	3,394 10 -	97	3,540 10 -
Assistant Surgeons 2 s. 6 d. „ - - -	13	593 2 6	14	638 15 -
<b>TOTALS—Allowances to Subalterns, &amp;c. -</b>	<b>335</b>	<b>14,435 15 -</b>	<b>349</b>	<b>15,038 - -</b>
<b>REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment:</b>				
In 1797: On the incorporation of the Drogheda with the Louth Militia—Adjutant at 6 s. per diem - - - - - }	1	109 10 -	1	109 10 -
In 1829: 2 Paymasters, at 2 s. p' diem, £.- 4 -				
1 „ - 2 s. 6 d. „ - 2 6				
1 „ - 4 s. „ - 4 -				
6 „ - 5 s. „ 1 10 -				
7 „ - 6 s. „ 2 2 -				
<b>17 Paymasters, at per diem - £. 4 2 6</b>	<b>17</b>	<b>1,505 12 6</b>	<b>17</b>	<b>1,505 12 6</b>
<b>Reduced Allowances carried forward -</b>	<b>18</b>	<b>1,615 2 6</b>	<b>18</b>	<b>1,615 2 6</b>

# 8 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

IRELAND— <i>continued.</i>	ESTIMATE to 31 March 1842, 365 Days.			ESTIMATE to 31 March 1841, 305 Days.		
	Nos.	AMOUNT.		Nos.	AMOUNT.	
Reduced Allowances to Officers— <i>continued.</i>		£.	s. d.		£.	s. d.
Brought forward - - -	18	1,615	2 6	18	1,615	2 6
In 1829: 1 Surgeon, at 3s. 6d. p' diem - 3 6						
6 „ - - 4s. „ 1 4 -						
3 „ - - 5s. „ - 15 -						
4 „ - - 6s. „ 1 4 -						
14 Surgeons, at per diem - £. 3 6 6	14	1,213	12 6	15	1,323	2 6
2 Q' Masters, at 2s. 6d. p' diem - 5 -						
3 „ - - 3s. „ - 9 -						
3 „ - - 3s. 6d. „ - 10 6						
1 „ - - 4s. „ - 4 -						
6 „ - - 5s. „ 1 10 -						
15 Q' Masters, at p' diem - £. 2 18 6	15	1,067	12 6	15	1,067	12 6
TOTALS—Officers on Reduction of Establishment	47	3,896	7 6	48	4,005	17 6
RETIRED ALLOWANCES to OFFICERS disabled by Age or Infirmary:						
Adjutants - - at 8s. per diem - -	8	1,168	- -	9	1,314	- -
Surgeon - - 6s. „ - -	2	219	- -	1	109	10 -
Quartermaster 5s. „ - -	1	91	5 -	1	91	5 -
TOTALS—Disabled Officers - -	11	1,478	5 -	11	1,514	15 -
RECAPITULATION FOR IRELAND.						
Staff - - - - -	326	16,303	11 4	326	15,973	14 1½
Allowances to 335 Subalterns - 14,435 15 -						
Ditto - to 47 Reduced Officers 3,896 7 6						
Ditto - to 11 Disabled - ditto 1,478 5 -						
393 Officers - £. 19,810 7 6						
Allowances to Officers - - - -	393	19,810	7 6	408	20,558	12 6
TOTALS - - IRELAND {Regular Militia, ex- clusive of Out-Pen- sioners - - }	719	36,113	18 10	734	36,532	6 7½
TOTALS, GREAT BRITAIN {Regular and Local Militia, including Out-Pensioners of the Irish Regular Militia - - }	5,459	130,106	1 2	5,770	134,838	13 4½
TOTALS for the DISEMBODIED MILITIA of GREAT BRITAIN and IRELAND - -	6,178	166,220	- -	6,504	171,371	- -

COMPARATIVE ABSTRACT of the MILITIA ESTIMATES for the Periods from 1 April 1840 to 31 March 1841, and from 1 April 1841 to 31 March 1842.

GREAT BRITAIN:									
ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.		INCREASE 1841-42.		DECREASE 1841-42.		CAUSE OF INCREASE AND DECREASE.	
Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.		
REGULAR MILITIA:									
STAFF	818	£. s. d. 36,079 17 10	818	£. s. d. 35,599 17 10	-	480 - -	-	£. s. d. - - -	Biennial Clothing.
Subalterns liable to serve	449	20,084 2 6	469	20,978 7 6	-	- - -	20	894 5 -	Casualties.
Reduced Officers, the greater part liable to serve	112	8,757 7 10	118	9,259 5 4	-	- - -	6	501 17 6	Casualties.
Disabled Officers	50	5,913 - -	52	6,168 10 -	-	- - -	2	255 10 -	Casualties.
Totals for Staff, and Allowances to Officers	1,429	70,834 8 2	1,457	72,006 - 8	-	- - -	-	- - -	
Out-Pensions of the Regular Militia of Great Britain and Ireland	3,749	48,567 5 5	4,014	51,537 15 2½	-	- - -	265	2,970 9 9½	Casualties.
Totals—Regular Militia	5,178	119,401 13 7	5,471	123,543 15 10½	-	- - -	-	- - -	
LOCAL MILITIA:									
Allowances to Reduced Adjutants	116	8,468 - -	122	8,906 - -	-	- - -	6	438 - -	Casualties.
Out-Pensions	165	2,236 7 7	177	2,388 17 6	-	- - -	12	152 9 11	Casualties.
Totals, Local Militia	281	10,704 7 7	299	11,294 17 6	-	- - -	-	- - -	
Totals, Regular Militia	5,178	119,401 13 7	5,471	123,543 15 10½	-	- - -	-	- - -	
Totals for Great Britain	5,459	130,106 1 2	5,770	134,838 13 4½	-	- - -	-	- - -	
IRELAND:									
REGULAR MILITIA:									
Staff	326	16,303 11 4	326	15,973 14 1½	-	* 330 - -	-	- 2 9½	* Biennial Clothing.
Subalterns liable to serve	335	14,435 15 -	349	15,038 - -	-	- - -	14	602 5 -	Casualties.
Reduced Officers, the greater part liable to serve	47	3,896 7 6	48	4,005 17 6	-	- - -	1	109 10 -	Casualties.
Disabled Officers	11	1,478 5 -	11	1,514 15 -	-	- - -	-	36 10 -	Casualties.
Totals, Ireland, exclusive of Out-Pensions	719	36,113 18 10	734	36,532 6 7½	-	- - -	-	- - -	
Totals, GREAT BRITAIN, including Out-Pensions for Ireland	5,459	130,106 1 2	5,770	134,838 13 4½	-	- - -	-	- - -	
Totals, GREAT BRITAIN and IRELAND, to 31 March 1841	-	- - -	6,504	171,371 - -	-	- - -	-	- - -	
Totals, GREAT BRITAIN and IRELAND, to 31 March 1842	6,178	166,220 - -	6,178	166,220 - -	-	810 - -	326	5,961 - -	
Decrease in the Year ending 31 March 1842	-	- - -	326	5,151 - -	-	- - -	326	5,151 - -	

R E P O R T

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1842.



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Ordered, by The House of Commons, to be Printed,  
8 June 1841.

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386.

*Under 2 cc.*

# **R E P O R T**

**FROM THE**

**SELECT COMMITTEE**

**ON THE**

**ACT FOR THE REGULATION OF**

**MILLS AND FACTORIES.**

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*Ordered, by The House of Commons, to be Printed,  
18 February 1841.*

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*Veneris, 29<sup>o</sup> die Januarii, 1841.*

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*Ordered, THAT* the Select Committee of last Session be re-appointed, for the purpose of considering and making their Report to The House :

Lord Ashley.  
Mr. John Fielden.  
Mr. Strutt.  
Mr. Hindley.  
Mr. Greg.  
Mr. Brotherton.  
Mr. Pakington.  
Mr. Baines.

Mr. Aglionby.  
Mr. Brocklehurst.  
Sir Edward Sugden.  
Mr. Shiel.  
Mr. Fox Maule.  
Sir George Strickland.  
Mr. Oswald.

*Ordered, THAT* the Committee have power to send for Persons, Papers and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

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PROCEEDINGS OF THE COMMITTEE.

*Martis, 2<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Greg.		Mr. Brocklehurst.
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Adjourned till Thursday, at Twelve o'clock.

*Jovis, 4<sup>o</sup> die Februarii, 1841.*

PRESENT :

Mr. Greg.		Hon. Fox Maule.
Lord Ashley.		Mr. Baines.
Sir George Strickland.		Mr. Brocklehurst.
Mr. Strutt.		Mr. Pakington.
Mr. Brotherton.		Mr. Oswald.

Lord Ashley called to the Chair.

Proposed Report (Chairman) considered.

Several Amendments made.

Question put,—

That the following paragraph stand part of the proposed Report,—

“On Section 2, whereby ‘Persons under 18 are not to work more than 12 hours a day;’ Your Committee observe that some difficulty lies in the way of the inspector, who would ascertain the precise age of a young worker alleged to be above the limited age of 18 years, and working more than 12 hours a day. To obviate this and other defects, as stated on the minutes, it is proposed, in accordance with the evidence, to raise the legal age under this section from 18 to 21 years.”

Ayes, 5.		Noes, 4.
Hon. Fox Maule.		Mr. Greg.
Mr. Brotherton.		Mr. Oswald.
Sir George Strickland.		Mr. Baines.
Mr. Pakington.		Mr. Brocklehurst.
Mr. Strutt.		

Amendment proposed (by Mr. Greg), page 4, to leave out,—

“Your Committee, concurring in the opinions of the inspectors and the operatives, would recommend that the powers given by the 4th Section be altogether taken away;” for the purpose of inserting: “Your Committee, referring in the evidence of the witnesses examined on the subject of making up lost time, are of opinion that great abuses have arisen under the 4th Section of the Act, and would urge upon The House that effectual means should be taken to put a stop to this evil.”

Question put,—

That the words proposed to be left out stand part of the proposed Report.

Ayes, 4.		Noes, 5.
Hon. Fox Maule.		Mr. Brocklehurst.
Mr. Brotherton.		Mr. Baines.
Sir George Strickland.		Mr. Strutt.
Mr. Pakington.		Mr. Greg.
		Mr. Oswald.

Amendment agreed to.

Several other Amendments made.

PROCEEDINGS OF THE COMMITTEE— *continued.*

Amendment proposed (by Mr. Fox Maule) page 5, to leave out,—

“ Your Committee have taken, on this subject, the same view as the inspectors, and would recommend that in no case where steam-power and water-power are combined, should it be allowable to recover any lost time by any addition to the hours of working ;” and to insert : “ Your Committee, with their attention thus drawn to the fact that a combination of steam and water power exists in many mills, and that the recovery of lost time is a matter of greater intricacy, and therefore more liable to abuse in those than in other cases, would, in bringing the whole subject of working up lost time before The House, strongly recommend this part of it to its serious consideration.”

Amendment agreed to.

Adjourned till To-morrow, at One o'clock.

*Veneris, 5<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Hon. Fox Maule.  
Mr. Brotherton.  
Mr. Brocklehurst.  
Mr. Aglionby.  
Sir George Strickland.

Mr. Pakington.  
Mr. Strutt.  
Mr. Greg.  
Mr. Oswald.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Monday, at One o'clock.

*Lunæ, 8<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Fox Maule.  
Mr. Brotherton.  
Mr. Hindley.  
Mr. Strutt.  
Mr. Greg.

Mr. Brocklehurst.  
Mr. Fielden.  
Sir George Strickland.  
Mr. Pakington.  
Mr. Oswald.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Wednesday, at One o'clock.

*Jovis, 11<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Pakington.  
Mr. Greg.  
Mr. Fielden.  
Mr. Oswald.  
Mr. Brotherton.  
Mr. Strutt.

Mr. Hindley.  
Mr. Brocklehurst.  
Mr. Aglionby.  
Mr. Fox Maule.  
Sir George Strickland.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Tuesday, at One o'clock.

*Mercurii,*

PROCEEDINGS OF THE COMMITTEE—*continued.**Mercurii, 17<sup>a</sup> die Februarii, 1841.*

## PRESENT :

Lord ASHLEY in the Chair.

Mr. Strutt.  
Mr. Fox Maule.  
Mr. Fielden.  
Mr. Pakington.

Sir George Strickland.  
Mr. Brotherton.  
Mr. Aglionby.  
Mr. Hindley.

The Committee proceeded to consider the subject so far as regards Silk and Lace Mills.

Motion made (by Mr. Fox Maule) to insert in the proposed Report,—

“ Your Committee, in deliberating on the measures which, in their opinion, ought to be adopted in reference to silk-mills; see no reason why those in which the process of spinning waste silk is carried on should not be placed under the same regulations as cotton, woollen and worsted mills, and they recommend that such a course should be adopted.

“ But they cannot arrive at the same conclusion with respect to silk-mills, in which the process is confined to ‘winding and throwing silk,’ and in which so many children are absolutely requisite, that it would be extremely difficult to introduce the same regulations which have been recommended for adoption in the case of cotton and other mills previously adverted to in this Report.

“ Your Committee therefore recommend, that for this branch of the subject a separate legislative measure should be introduced.”

Question,—That these words be inserted in the proposed Report,—put and agreed to.

Motion made (by Mr. Strutt) to insert,—

“ Lastly, Your Committee have received evidence as to the propriety of including lace-mills within the general provisions of the Act. It appears that, whilst some of these mills are well managed and under excellent regulations, in others a system prevails which is calculated to be injurious to the health of the children, not so much in consequence of their being overworked as from their being detained in the mills for long periods and during improper hours. Your Committee regret that, in consequence of the necessity which there appeared for their closing the inquiry at the end of last Session, the evidence which they have been able to take on this subject is very limited and imperfect. Important information has been given by the inspectors; but, those gentlemen not having lace-mills under their supervision, their evidence is necessarily less valuable on this subject than with respect to the other branches of the inquiry; and, with the exception of the inspectors, only one other witness (a gentleman engaged in the trade) has been examined. Your Committee feel the more strongly the necessity for some further inquiry, in consequence of the great difference which appears to exist in the systems pursued in lace-mills in different parts of the country, and also in consequence of the peculiar difficulties attending the application of the Factory Act to this trade, which have been already acknowledged by the Legislature. It will be in the recollection of The House that lace-mills were omitted from the provisions of the Factory Act, chiefly on account of the competition existing between hand-machines, which are employed in the manufacture of lace, and the machines which are worked by power. In conformity with the principle adopted in that Act, power-machines could alone have been subjected to its operation, whilst it appears that the labour of persons employed on the hand-machines is much more severe, and that abuses are more prevalent in that branch of the trade. Having regard to these circumstances, and considering also that a power-machine is very easily convertible into a hand-machine, Your Committee are of opinion that the Legislature exercised a sound discretion in declining to impose restrictions exclusively on one branch of the trade, whereby they might probably have increased the abuses which they sought to remedy. The question remains, how far it may be expedient to bring the whole trade, including the hand-machines, under the operation of the law; but Your Committee believe that, if they were to make such a recommendation, not only would the present regulations of the Factory Act be found inapplicable to hand-machines, which are scattered through small workshops and private houses, but also that they should be exceeding their province in proposing the abandonment of the important principle which has hitherto restricted Factory legislation to mills worked by power, and would be entering on the extensive question of the propriety of a *general* restriction on the labour of children. Your Committee are therefore unable to make any recommendation with respect to this branch of their inquiry, but they feel the less regret in stating their inability to do so, inasmuch as they have reason to hope that valuable evidence will be

collected on the subject by the Commission of Inquiry which has been appointed at the suggestion of their Chairman, and which they understand is now engaged in examining the condition of children employed in trades not subject to the provisions of the Factory Act."

Question,—That these words be inserted in the proposed Report,—put and negatived.

Adjourned till To-morrow, at One o'clock.

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*Jovis, 18<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Fielden.  
Mr. Brotherton.  
Mr. Strutt.

Mr. Hindley.  
Sir George Strickland.  
Mr. Aglionby.

Motion made,—

That the Report as amended be agreed to, and that the Chairman do report the same to The House.

Amendment proposed (by Mr. Fielden) to insert in the proposed Report,—

"That all mill-occupiers, desirous of working their hands without certificates of age, and agreeing to take upon themselves the responsibility of observance of the Act, be at liberty to do so on giving notice of such intention to the inspector or sub-inspector of the district in which his mill is situate; the burden of proof, in such case, resting upon the mill-owners."

But the Chairman having taken an objection on a point of form, that the re-opening of the question of certificates would be contrary to the understanding of the Committee at the commencement of their proceedings, the motion was put, and on that ground negatived.

Question,—

That the Report, as amended, be agreed to, and that the Chairman do report the same to The House,—put and agreed to.

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## R E P O R T.

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**THE SELECT COMMITTEE** appointed to inquire into the Operation of the Act for the **REGULATION** of **MILLS** and **FACTORIES**; and who were empowered to report their **Observations** and **Opinion**, together with the **MINUTES OF EVIDENCE** taken before them from time to time, to **The House**:—**HAVE** considered the **Matters** to them referred; and have agreed to the following **REPORT**:—

**T**HE Act of Parliament of the 3d & 4th of Will. 4, intituled, “An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom,” which was submitted to the investigation of Your Committee, appointed on the 3d day of March 1840, has been minutely and patiently examined. Your Committee have taken the evidence of persons who, by office or interest, were most likely to have watched, and to understand the operation of the Act; they called before them the inspectors and superintendents, mill-owners and workpeople, obtained from them the results of their experience; and they now report their proceedings and observations to the notice of The House.

In stating the conclusions at which they have arrived, Your Committee will scrupulously confine themselves to those points of inquiry that were specially referred for their scrutiny and opinion. They were limited to an ascertainment of the operation of the Act, of its defects, and of the probable remedies, whereby the intentions of the Legislature, and the true spirit of the law itself, might be more effectually carried out. It was not a new law that was required by The House, but the fulfilment of the intention of the existing law.

Although the experience of seven years has developed various defects in the operation of the Act, Your Committee must congratulate The House and the Country on the partial success of their efforts for the removal of many evils, which, down to the year 1833, had accompanied the employment of children and young persons in factories; much, unquestionably, yet remains to be done; the actual condition, nevertheless, of these young workers, contrasted with the state in which the first inquiry found them, is such as to give Your Committee considerable satisfaction for the past, and good hope for the future.

Your Committee now propose to state in succession the several Sections of the Act, to show wherein they have been found defective, and to suggest the remedies which have occurred to them.

On Section 1, whereby “Persons under 18 years of age are not allowed to work at night in the mills or factories therein described,” Your Committee have to observe, that although the practice of night-work, which had prevailed in various parts of the country, has been much abated by the operation of the Act,<sup>a</sup> they would suggest a further check against the recurrence of such abuses as those stated by Mr. Howell,<sup>b</sup> in his report on the Greenfield cotton mill, by raising

<sup>a</sup> 15, 16, 9094. 9101.  
9126. 9130.

<sup>b</sup> 2218.

the age below which night-work is prohibited from 18 to 21 years. No objection has been urged to this amendment; it has, on the contrary, been accepted by the witnesses<sup>a</sup> generally. In reference to another evil, viz. working more than 12 hours a day (especially in the rural districts), by the abuse<sup>b</sup> of the latitude afforded by the wide limits of the present factory day (extending, as it does, over a range of 15 hours), Your Committee propose that it be reduced to 14 hours; they recommend, also, that the commencement of the day should be fixed at six o'clock in the morning, and the close of it at eight in the evening. Your Committee have good grounds for believing that such an arrangement would be generally satisfactory.

On Section 2, whereby "Persons under 18 are not to work more than 12 hours a day," Your Committee observe that great difficulty<sup>c</sup> lies in the way of the inspector, who would ascertain the precise age of a young worker alleged to be above the limited age of 18 years,<sup>d</sup> and working more than 12 hours a day. To remove this and other defects, stated by the witnesses, it is proposed, in accordance<sup>e</sup> with the evidence, to raise the legal age under this Clause from 18 to 21 years.

The 3d Section permits the "extension of the hours of working in certain cases," which occur in consequence of the want of a due supply or of an excess of water, or by reason of its being impounded in higher reservoirs. Your Committee are not prepared to recommend any alteration in this enactment, but they wish to impress upon The House, in the language of one of their witnesses, that "wherever<sup>f</sup> there is the power of making up lost time, it ought to be guarded by every possible check; it is so easy to evade, and so difficult to detect any evasion, that every possible check that can be devised to prevent dishonest working ought to be introduced."

The 4th Section "provides for time unavoidably lost in cases of accident," and gives permission that, whenever any thing shall happen to the machinery of the mill, whereby not less than three hours' labour at any one time shall be lost, such time may be worked up, under certain restrictions. It was urged before Your Committee, that, experience having proved the facility and frequency of abuse<sup>g</sup> of this power, it ought to be taken away by any amended Bill. "It is a Section," says one inspector,<sup>h</sup> "which, I believe, has been productive of the grossest violations of the law, without the possibility of our checking it." Any accident, however minute, to any part of the mill-gear, has been held sufficient to justify the making up of lost time at some other more convenient period. "A shaft<sup>i</sup> broken," says the same witness, "or an escape of gas, or any small accident that may have occurred at a period some months before our visit; it has been done in the most loose way." He is asked whether "it would<sup>k</sup> not be rather oppressive upon the work-people, if no possible accident, under any circumstances, should be allowed to be worked up?" He replied, "I conceive hardship may arise in particular cases, but I think the balance is decidedly in favour of there being no possibility of working up lost time." He is again asked,<sup>l</sup> "Do you find that, in consequence of the nature of those exceptions, it is particularly difficult to detect any evasions that are practised?—I should think it utterly impossible; we find that the people have been working, at a certain time, 13 hours a day; we ask, 'Why?' He says, 'Oh, the shaft broke.' It is impossible for us to say the shaft did not break, or that it was not broken, or a screw taken out on purpose." "You find that, generally speaking, in those cases you have nothing to resort to but the declaration of the interested mill-owner?—No."

Another inspector is asked, "With<sup>m</sup> respect to the 3d, 4th and 5th Sections, which all relate to the same subject, what is your opinion upon the operation of those

<sup>a</sup> 1209. 2064. 2065.  
2413. 2674. 2676.  
4027. 4353. 8385.  
<sup>b</sup> 1211. 1714. 2194.  
2197. 2199. 2200.  
2066. 2067. 2527.  
2531. 3239. 8510.  
8051. 8057.

<sup>c</sup> 83. 84. 85. 117.  
121. 129.

<sup>d</sup> 2929. 1218. 1221.  
1242.

<sup>e</sup> 1222. 1239. 1247.  
1251-1253. 2064.  
2065. 2413. 2674.  
2676. 3174. 3175.  
8385.

<sup>f</sup> 233.

<sup>g</sup> 53. 54. 55. 1264.

<sup>h</sup> 230.

<sup>i</sup> 234.

<sup>k</sup> 239.

<sup>l</sup> 241. 242.

<sup>m</sup> 2203-2205.

those Sections ; has it been found that the power given by those Sections of making up lost time has been a fertile source of abuse ?” He replied, “ I think the 5th has.” He is again asked, “ Do you not say the same with respect to the 4th ?—The power under the 4th is very small ; but I should say the same, as far as it goes. I can give an instance of the 4th, to illustrate what I mean. I found, at a cotton mill, that the people had been working over time ; I inquired the reason, and I was told that they were fetching up lost time. It was entered, on a particular day, so many hours lost, in virtue of the 4th section, and in consequence of an extraordinary accident. On questioning the hands, I said, ‘ You lost so much time on such a day ?—Yes, sir.’ ‘ What was the cause ?—There was a dinner to Mr. O’Connell, and we had a holiday.’ And therefore the fracture to the steam-engine was coincident with the holiday, and the gentleman who owned that mill had the credit of giving a holiday, and at the same time recovered the time afterwards, by virtue of the 4th section.”

Another witness, an operative, is asked, “ Have<sup>a</sup> you any information as to the feelings of the working-people in regard to the Clause which permits working to make up lost time ?—That is the source of grievance to a vast number, both of children and adults ; I have heard them frequently say, when lost time is allowed to be worked up, that they would rather lose their wages for the time that was lost than make it up ; for, after having worked 12 hours, if they have to make it 12½ or 13, it exhausts their strength much. They have expressed themselves strongly on that point, that they would rather lose their wages than work the time up.”

<sup>a</sup> 8523.

On the other side, a gentleman of experience, and having a large mill property, is examined : “ With<sup>b</sup> respect to Clause 4, of making up time lost by accident, Mr. Horner proposes in his suggestions to do away with that liberty ; have you any remarks to make upon that ?—I think it is necessary that, where accidents occur to the steam-engine, water-wheel, main-gearing, or gas apparatus, the time which may be so unavoidably lost should be worked up at the rate of one hour per day. But I perceive here that the Act says, with reference to lost time, ‘ by which not less than three hours’ labour at any one time shall be lost.’ Now, unless you lose three hours, you cannot recover one the next day ; and I think it would be better if these words in any other Act were struck out—I mean the words ‘ by which not less than three hours’ labour at any one time shall be lost.’ ” “ Mr. Horner’s recommendation is to do away with the power of making up lost time altogether, arising from accidents of machinery ; what is your opinion upon that ?—That is a hardship ; why should any man who has his property embarked in machinery be deterred from using it honestly and fairly ? ” “ Do not you think it makes it more difficult for the inspector to detect an infraction of the law ?—I do not see the difficulty, unless he supposes the mill-owner dishonest, because the mill-owner is compelled to keep a register of the time that he works ; and unless he makes a false entry, there is no difficulty ; when we lose time, we always enter it ; and when we gain it up, we put down the hour or half-hour by which we gain it day by day, till the balance is struck.”

<sup>b</sup> 4034-4036.

Another gentleman, a mill-owner, is also asked, “ Do<sup>c</sup> you agree in the propriety of refusing the liberty of making up lost time in case of accident ?—No, I do not ; I think it would be a case of hardship to the work-people ; if we are not allowed to work up lost time, they will feel the inconvenience more than we shall, in loss of wages, because they are paid by the quantity of work they do.” “ Do you think that it makes it more difficult to ascertain if there is any infraction of the law in consequence of that permission being given ?—I do not see that there can be any difficulty in finding out an infraction of the law if the superintendent takes care to see that the books required by the Act are regularly kept ;

<sup>c</sup> 4355, 4356.



he has the power of seeing that certain books are regularly kept, and he has the power of examining any of the people that he likes."

Your Committee, referring to the evidence of the witnesses examined on the subject of making up lost time arising from accidents to the machinery, &c., are of opinion that great abuses have arisen under the 4th Section of the Act, and would urge upon The House that effectual means should be taken to put a stop to this evil.

In reference to those mills that are worked by steam and water-power conjointly, it has been stated by the inspectors, that they would not recommend any permission of making up lost time, "because I think," says one inspector,<sup>a</sup> "there is great room for evasion." "It has been found," he continues,<sup>b</sup> "that where a mill possessed both a steam-engine and water-power, they had the means of so contriving matters, that they, in fact, lost no time." On a subsequent day, he adds,<sup>c</sup> "I stated, as my opinion,<sup>c</sup> that the power of making up lost time should be confined to mills wholly moved by water, because, when they have a steam-engine besides, frauds may be committed that are extremely difficult of detection or proof. The frauds may be of the following nature: there may be such a stoppage of the water-wheel as may affect only a part of the machinery; the steam-engine is brought immediately in aid, and no time is really lost; but it is set down in the book, and truly, that the water-wheel was stopped from want or excess of water, and upon that not only is the time of work extended for the machinery driven by the water-power, but the whole mill is worked over time. If that power is given to a mill having both steam and water, a mill-owner, with a large steam-engine and a very small water-wheel, might work over time upon every occasion when the water-wheel was interrupted."

<sup>a</sup> 246.

<sup>b</sup> 271.

<sup>c</sup> 404. See also 1254.

<sup>d</sup> 2205.

Another inspector stated in evidence, "the<sup>d</sup> 5th section is one which has given me a monstrous deal of trouble in part of my district, in which water-power alone is used; I have almost on every occasion found them working at night, under the plea of the 5th section. They have always either too much or too little water. The real key to that proceeding I believe to be this, that those mills are overladen with machinery; for example, that the power is equal to 10 horse, and that the machinery would require 20; then the owner of the mill works half the mill in the day, and the other half is idle in the day, and is worked during the night and great part of the following day, to recover the lost time on the first day; for example, suppose the first day is Monday, then he works the whole of Monday night, and a great part of Tuesday; then Tuesday night is resumed by the man who did not work on Tuesday, and who works Tuesday night and a great part of Wednesday; then Wednesday night is taken up by the others, and so on."

<sup>e</sup> 4028. 4033.

On the other hand, it is remarked by one of the mill-owners, whose evidence has just been quoted, in reply to the question, "You<sup>e</sup> observe Mr. Horner's observations upon Clause 3, which enables you to make up for lost time in water-mills; he proposes, where there is a steam-engine in connexion with water-power, that the operation of this Clause in making up lost time shall be withdrawn; that such mills shall not be allowed to make up lost time. What is your opinion of that?—I think it would be a great hardship on the owner of that kind of property." "Do you think it would materially reduce the value of the horse-power which is now employed in those mills?—Yes; it would largely encroach upon the value of that property, and upon the regularity of the wages arising to the work-people." "Do you think it makes any material difference whether there is a steam-engine in connexion with that water-power, or whether there is not?—Where water-power is employed, and that water is not regular, the mill-owner is very often perplexed to find out the exact point of power which it is requisite for him

him to provide by steam, on account of the fluctuations in the seasons. In four years out of five, perhaps, if he wanted a 30-horse power he might have enough; but a period might arise when he wanted 50-horse power, and he is then liable to great inconvenience, from the engine and water-power together being unable to propel his mill; and if he was cut off from working for lost time, both himself and his hands would suffer thereby." "Is not the cost of coal generally very high when water-power is used?—Generally it is." "Then the mill-owners will calculate as nearly as they can what the least power of the steam-engine, and the least consumption of coal, will enable them to make up the time lost?—Yes; they will calculate with great nicety how much steam-power will enable them to make up the deficiency; they sometimes under calculate it; and from the circumstance of mills requiring, from time to time, an increase of power, by reason of increased speed of machinery, and other causes, they often fall short, even after they have made that provision."

Your Committee, with their attention thus drawn to the fact that a combination of steam and water power exists in many mills, and that the recovery of lost time is a matter of greater intricacy, and therefore more liable to abuse in those than in other cases, would, in bringing the whole subject of working up lost time before The House, strongly recommend this part of it to its serious consideration.

The 6th Section, which assigns the "time for meals," is so imperfectly expressed, that "we have no power," says an inspector, "to regulate<sup>a</sup> with regard to children: I conceive it is possible, under the law as it stands, that children might be worked eight hours continuously, without giving any time for meals at all; but such a thing, I believe, never occurred; I am merely speaking of a possibility."

<sup>a</sup> 289.

Another inspector<sup>b</sup> remarks that, notwithstanding the opinion of the law officers of the Crown, "it is doubtful whether the Section extends to them or not." The children are oftentimes detained during meal-times to clean the machinery, but no prosecution is sustainable unless it can be shown that, by such means, their work has been prolonged beyond eight hours.

<sup>b</sup> 2221.

The operatives complain<sup>c</sup> that the full hour and a half is not given for meals as is required by law. "Do you<sup>d</sup> mean to say," a witness is asked, "that the mills, all or most of them, commence working before breakfast or dinner, before they ought to commence?—Yes," he replies. "State<sup>e</sup> the fact?—The fact is, they generally infringe five minutes, sometimes six or seven; but, on a general scale, not less than five minutes at breakfast and at dinner." "At what time is the door closed?—The doors are kept open the half hour certainly, but the engine starts before the expiration of the half hour, and when the engine starts, the people are expected to start with it."

<sup>c</sup> 8535.

<sup>d</sup> 8536. 8554.

<sup>e</sup> 8537. 8538.

Your Committee, in reference to this testimony, recommend that the 6th Section be made applicable to children as well as young persons; that the parties so protected by the law be not allowed to renew their work before the expiration of the whole period allotted for meals; that the "first meal<sup>f</sup> be not earlier than half-past seven in the morning, and the latest not after half-past seven in the evening; and that one hour, at least, should be given between eleven and three o'clock." They recommend also that, "during<sup>g</sup> the hour and a half set apart for meals, no child or young person should be allowed to remain in any room in which any machinery is in motion, or any manufacturing process going on," and that, "to prevent evasions of the law by the pretended employment of young persons by relays, all young persons between 13 and 21 should be required to have their meals at one and the same<sup>h</sup> time."

<sup>f</sup> 1264.

<sup>g</sup> 1266.

<sup>h</sup> 1268.

The 7th Section "prohibits the employment of children under nine years of age." Of the violation of this Section there have been instances, but they are not numerous;<sup>i</sup> there is, however, "very great disposition on the part of parents to

<sup>i</sup> 406, 407, 408.

encourage the working of their children under the prescribed<sup>a</sup> ages." All parties<sup>b</sup> concur in the expediency of retaining this age as the period of admission to labour in a factory; the gentlemen connected with silk mills<sup>c</sup> entertain the same opinion. Those who have suggested an abatement of the age, have done so on the supposition of a reduction in the number of hours of work for children below that fixed by the present law.<sup>d</sup>

The 8th Section declares, that the "employment of children under 13 years of age for more than nine hours a day, or 48 in any one week, is prohibited." The provisions of this Section are frequently and grossly violated,<sup>e</sup> no less in the larger than in the smaller establishments.<sup>f</sup> The number of convictions recorded in the periodical reports of the inspectors give no just estimate of the number of breaches of the law, inasmuch as a prosecution for overworking 100 children on any one day would expose the offender to no more than a single penalty,<sup>g</sup> which might be 20s., or less, at the discretion of the magistrate. Remedial measures are loudly demanded for the better accomplishment of this Section, not only on behalf of the Act itself, the continued neglect of which "would be a reproach to the Legislature of the country,"<sup>h</sup> but also on behalf of honest and conscientious<sup>i</sup> mill-owners, who are most desirous to fulfil the intentions of the law. The children may be employed eight hours a day, and these eight may be taken at any time of the 15 hours between half-past five in the morning and half-past eight at night, and practically they are now employed at all hours within those limits; and they are, in a great proportion of instances, either in or about the factory the whole day, thus affording many opportunities for their being employed illegally. It appears to be the decided opinion of inspectors, superintendents, mill-owners and operatives, that no measure would be so effective to secure the moderate labour and the opportunities of education intended by the law, as the restriction of the employment of all children under 13 years of age to half the working day, divided by the general dinner-hour of the factory. In this opinion Your Committee agree. Their average work would not in that case be more than six hours a day; but great practical inconvenience would be felt if the children were restricted to the precise number of six hours, because the dinner-hour does not always divide the day into two equal parts. If the mill starts at half-past five, and stops for dinner at 12 o'clock, half an hour being allowed for breakfast, the working day of 12 hours is equally divided; but if the dinner-hour be one o'clock, the morning set of children must work seven hours, and the afternoon set five. By changing the two sets from morning to afternoon work, and from afternoon to morning, once a month, the advantages and disadvantages of each are equalized. But this is an arrangement which may safely be left to be settled between the parents of the children and the mill-owner, for it may sometimes be better not to change, if the youngest children are employed in the afternoon, and are not required to rise so early in the morning.

Your Committee, therefore, recommend the following limitations in the hours of work of all children under 13 years of age:—

1. That they shall not be employed more than seven hours in any one day, nor more than 42 hours in any one week.

2. That they may be employed either before the commencement of the time allowed for the dinner of the workers in the factory, between 13 and 21 years of age, or after the expiration of that time; but that no child who shall have been employed at all before the general dinner-hour commences shall be employed after the said dinner-hour on the same day.

(Were the children allowed to work partly before and partly after dinner, it is probable that evasions of the law might be extensively practised, and almost with impunity,

impunity, from the difficulty of detection and of obtaining evidence sufficient to get a conviction.)

The advantages of this limitation have been stated by the witnesses to be great in several respects, and they may be briefly enumerated as follows :—

1. The children who work in the morning are set free about noon, and have the rest of the day for education and play ; and those who work in the afternoon need not rise very early, and have had their schooling, recreation and dinner before they begin their work.

2. Those who work in the afternoon may always go clean and tidy to the morning school, and those who work in the morning, not having to return to the factory, may be washed and made tidy to go to the afternoon school after they have had their dinner.

The objection which is often made at present to receiving factory children on account of their dirty clothes would cease, and the children would not then feel any difference, as between themselves and the rest of the school.

3. The National Schools, and the British and Foreign School Society's schools would be available, which they are not at present in a great many instances, because they are not open before nine in the morning nor after five in the afternoon, when children who work eight hours are often sent out of the factory to go to school. Other schools of a respectable kind would also be available for the same reason, and thus the mockery of education, now so common in order to keep within the letter of the law, would be done away with.

Your Committee have learned that the National Society have already taken measures for establishing schools in the neighbourhood of the factories in some places, and they would probably do still more if the factory children were enabled, by such a limitation of their hours of work, to attend their schools ; and with such a prospect of doing good, the British and Foreign School Society would doubtless follow their example.

4. As regards the mill-owners, even when sensible of the advantages of this plan, they are unable to adopt it, because some of their neighbours, by working the children eight hours, give somewhat higher wages, and draw the children away, the parents always sending them where they can make most money by them. The law ought, therefore, to place all on the same footing. The record of the hours the children work could be made very short and simple. The trouble of the overlookers, which is great when the children have to be sent out at various times of the day, would be greatly diminished, and the mill-owners would be much more secure against infractions of the law by their operatives who employ the children.

5. The wilful evasion of the law would be rendered much more easy of detection, and the chances of the children being illegally employed, either from negligence or inattention, would be reduced to a very small amount.

Finally. The condition of factory children would, by such diminution of labour, opportunities of healthful exercise and of education, be so much improved, that the character of factory labour would be raised. On the other hand, it must not be denied that, where the supply of children is limited, some inconvenience may arise to mill-owners most anxious to comply with the law.

Power might be given to make exceptions in such cases for a limited period, in no case, however, exceeding two years. These exceptions should only be made after

9 July 1840.

The Committee-clerk made a statement to the Committee, the result of a conversation with Mr. Ley, who had consulted The Speaker as to the point, to the following effect: that parties are at perfect liberty to withdraw from all further promotion of a Bill; but if the preamble has been proved, and any other parties who appear wish to take up the Bill at their own expense, they are quite at liberty to do so.

Mr. Serjeant Merewether was asked by a Member of the Committee, if he was willing to adopt the Bill with its present preamble.

Mr. Serjeant *Merewether* declined, and wished the Committee to report that he had made an application for the insertion of a clause.

The Committee-room was ordered to be cleared.

On the admission of parties, the *Chairman* stated, "I have to communicate to you that the Committee have come to the following Report:— 'That the Committee had examined the allegations of the Bill and found the same to be true, and that they had made certain amendments in some of the clauses in the Bill, and that the parties promoting the Bill had, on such amendments being communicated to them, declined to proceed further with the Bill.' And I have to inform Mr. Serjeant Merewether, as he declined to take up the Bill with its present preamble, that he must apply to The House if he desires to take any further proceedings."

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# R E P O R T

FROM THE

## COMMITTEE

UPON

### **EXPIRED *and* EXPIRING LAWS:**

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FOR THE

IV<sup>TH</sup> Session—XIII<sup>TH</sup> Parliament of the United Kingdom of  
GREAT BRITAIN AND IRELAND.

(4 VICTORIA, 1841.)

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*Ordered, by The House of Commons, to be Printed,*  
*3 May 1841.*

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*Mercurii, 27<sup>o</sup> die Januarii, 1841.*

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*Ordered, THAT a Committee be appointed to inquire what Temporary Laws, of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of the United Kingdom, are now in force, and what Laws of the like nature, passed by the English, British, Irish, or United Parliaments, have expired between the First day of the last Session of Parliament and the First day of the present Session; and also, what Laws of the like nature are about to expire, in the course or at the end of the present Session, or on or before the 1st day of August 1842, or in the course or at the end of any Session which may commence during that period, or in consequence of any contingent public event: and to report the same, with their Observations thereupon, to The House.*

*Martis, 6<sup>o</sup> die Aprilis, 1841.*

A Committee was appointed, of—

Mr. Robert Gordon,	Lord Granville Somerset,
Mr. Chancellor of the Exchequer,	Mr. More O'Ferrall,
Mr. Attorney General,	Mr. Greene,
The Lord Advocate,	Mr. Wilson Patten,
Mr. Attorney-General for Ireland,	Mr. Hume,
Sir Thomas Fremantle,	Mr. John Jervis,
Mr. Edward John Stanley,	Mr. Bernal.
Mr. Charles Wood,	

*Ordered, THAT the Committee have power to send for Persons, Papers and Records.*

*Ordered, THAT Five be the Quorum of the Committee.*

*Ordered, THAT it be an Instruction to the Committee, That they do report their Opinion from time to time to The House, which of the said Laws are fit to be revived, continued, or made perpetual.*

*Ordered, THAT the Committee have power to sit notwithstanding any adjournment of The House.*

*Ordered, THAT the Report dated 11th February 1841, from the Committee on Temporary Laws of a Public and General Nature, be referred to the said Committee.*

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# R E P O R T.

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THE COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of The United Kingdom, ARE NOW IN FORCE; and what Laws, of the like nature, passed by the English, British, Irish, or United Parliaments, HAVE EXPIRED, between the First day of the last Session of Parliament and the First day of the present Session; and also what Laws, of the like nature, ARE ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1842; or in the Course, or at the End, of any Session which may commence during that period; or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The House: And who were instructed to report their Opinion, from time to time, to The House, which of the said Laws are fit to be revived, continued, or made perpetual:—

HAVE proceeded to an Examination of the Matters referred to them: And beg leave to present to The House;

*First:* A detailed STATEMENT or REGISTER of all the TEMPORARY LAWS, of a Public and General Nature, now in force; which have been enacted by the PARLIAMENTS of ENGLAND, or GREAT BRITAIN, or IRELAND, or of The UNITED KINGDOM, from the Commencement of the Reign of King WILLIAM the Third, to the 11th day of August 1840, being the last day of the last Session of Parliament; specifying the Matter, Date, Chapter and Title, of each of the original Acts, and the Dates and Chapters of the respective subsidiary Acts by which they have been either amended or continued.—In drawing up this Statement or Register, They have proceeded, by continuing the Enumeration of Laws contained in the Report of the Committee on Expired and Expiring Laws, ordered to be printed on the 11th day of February 1840, and adding thereto such Temporary Laws as have since been passed, and are now in force; and also, by making such Alterations therein as have been rendered necessary by other Laws which were passed during the Session 3 & 4 VICT.

*Secondly:* Your Committee have drawn up an Enumeration of all the Public General Laws, of a Temporary Nature, which HAVE EXPIRED between the 16th day of January 1840, being the First day of the last Session of Parliament, and the 26th day of January 1841, being the First day of the present Session: Omitting only such Annual and other Acts as have been replaced by subsequent Acts now in force.

*Thirdly:* Your Committee have drawn up an Enumeration of all the Public General Laws which are ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1842, or in the Course, or at the End, of any Session which may commence during that Period: and they have arranged this Enumeration chronologically, according to the Dates at which they will expire respectively.



*Fourthly:* Your Committee have drawn up an Enumeration of Laws, the Duration whereof depends on PUBLIC CONTINGENCIES. In this List they have not thought it necessary to include several, which, though of a Temporary and Contingent Duration, do not seem to require any special Notice; namely, such as have been made for the Funding of particular Loans, or for granting Personal Annuities, &c. &c.

To the Whole, Your Committee have subjoined an ALPHABETICAL TABLE of the Matters of the several Acts enumerated in their Report.

3 May 1841.

## L I S T.

I.—REGISTER of TEMPORARY LAWS, now in force, including those of the Parliament of Ireland, from the Commencement of the Reign of King WILLIAM III. to the 26th day of January 1841; the First day of the present Session.

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|--|-----------|
| (A.) Of the ENGLISH and BRITISH PARLIAMENTS; to The Union of Great Britain and Ireland . . . . . | pages 5—7 |
| (B.) Of the IRISH PARLIAMENT; to The Union . . . . .   | 8         |
| (C.) Of the UNITED PARLIAMENT . . . . .  | 9—22      |

II.—LIST of EXPIRED LAWS; viz.

Between 16th January 1840 and 26 January 1841 . . . . .	23
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III.—LIST of EXPIRING LAWS; viz.

At the END of the PRESENT SESSION . . . . .	24
After 26th January 1841, and on or before 1st August 1842, &c. . . . .	25, 26

IV.—LIST of LAWS, whereof the Duration depends on Public Contingencies . . . . . 27, 28

INDEX . . . . .	29
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# I.

## REGISTER OF TEMPORARY LAWS NOW IN FORCE.

### (A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS : FROM THE COMMENCEMENT OF THE REIGN OF KING WILLIAM III. TO THE UNION OF GREAT BRITAIN AND IRELAND.

*[Amended and continued by Acts of the Parliament of the United Kingdom.]*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
1.  BANK of ENGLAND.	5,6 W.&M.	20 § 20. 21.	For granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain recompences and advantages, in the said Act mentioned, to such persons as shall voluntarily advance the sum of £. 1,500,000. towards the carrying on the war against France.  See also 6 Ann, c. 22. &c. (N° 3.)	Till Redemption of all Bank Annuities created by Parliament.	
	8,9 W. 3.	20 § 26. 27, 28.			
	9, 10 W. 3.	44 § 75.			
	N. B. This Corporation further continued by successive Loan Acts down to				
	10 Geo. 4.	31. § 24.			
2.  EAST INDIA COMPANY.	9, 10 W. 3.	44.	For raising a sum, not exceeding Two Millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies.  N. B.—See also the following Acts relating to the East India Company; viz.—7 Geo. 1. st. 1. c. 5. § 32, 33; 7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 23 Geo. 3. c. 22; 26 Geo. 3. c. 62; 28 Geo. 3. c. 29; 29 Geo. 3. c. 65; 31 Geo. 3. c. 11; 33 Geo. 3. c. 47; 34 Geo. 3. c. 41; 37 Geo. 3. c. 31; 44 Geo. 3. c. 3; 47 Geo. 3. st. 2. c. 41; 51 Geo. 3. c. 64; & 52 Geo. 3. c. 121; as to the Interest on, and increase of, their Capital Stock and Bond Debt:—7 Geo. 3. c. 57; 9 Geo. 3. c. 24; 23 Geo. 3. cc. 36, 83; 24 Geo. 3. c. 34; 50 Geo. 3. c. 114; 52 Geo. 3. cc. 10, 135; and 3 Geo. 4. c. 93; as to Payments by the Company, and relief or advances to the Company:—7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 13 Geo. 3. c. 63; 17 Geo. 3. c. 8; 21 Geo. 3. c. 70; 26 Geo. 3. c. 25; 27 Geo. 3. c. 48; 33 Geo. 3. c. 52; 36 Geo. 3. cc. 119, 127; 37 Geo. 3. c. 142; 39 Geo. 3. c. 59; 39 & 40 Geo. 3. cc. 59, 79; 41 Geo. 3. (U. K.) c. 21; 42 Geo. 3. c. 29; 45 Geo. 3. c. 36; 47 Geo. 3. st. 2. c. 68; 51 Geo. 3. c. 75; 53 Geo. 3. c. 155; 55 Geo. 3. cc. 64, 84; 4 Geo. 4. c. 71; 5 Geo. 4. c. 108; 6 Geo. 4. c. 85; 7 Geo. 4. c. 56; 10 Geo. 4. c. 15; for Regulating the affairs of the Company in India and Europe:—24 Geo. 3. st. 2. c. 25; 26 Geo. 3. c. 57; 28 Geo. 3. c. 8; 31 Geo. 3. c. 10; for erecting the Board of Control, &c.:—28 Geo. 3. c. 8; 31 Geo. 3. c. 10; 33 Geo. 3. c. 52; 37 Geo. 3. c. 74; 39 Geo. 3. c. 109; 43 Geo. 3. c. 48; 50 Geo. 3. c. 87; 52 Geo. 3. c. 122; 53 Geo. 3. c. 155; 1 Geo. 4. c. 99; 4 Geo. 4. c. 71; 6 Geo. 4. c. 61; 7 Geo. 4. c. 52; 3, 4 Vict. c. 37; relating to the military and naval forces and volunteers in the Company's pay:—6 Ann. c. 3; 7 Geo. 1. st. 1. c. 21. § 9; 33 Geo. 3. c. 52; 37 Geo. 3. c. 117; 42 Geo. 3. c. 77; 48 Geo. 3. c. 30; 53 Geo. 3. c. 155; 54 Geo. 3. c. 34; 57 Geo. 3. cc. 36, 95; 1, 2 Geo. 4. c. 65; 4 Geo. 4. c. 80; 5 Geo. 4. c. 88; 7 Geo. 4. c. 56; as to their Exclusive trade, and the Permitted trade of individuals:—12 Geo. 3. c. 54; 43 Geo. 3. cc. 63, 137; 46 Geo. 3. c. 85; 55 Geo. 3. c. 116; 57 Geo. 3. c. 120; 58 Geo. 3. c. 83;—54 Geo. 3. c. 36, (in part repealed by 6 Geo. 4. c. 105); 54 Geo. 3. c. 103; 4 Geo. 4. c. 72; as to Regulations for payment, &c. of Customs duties on East India goods:—9 Geo. 4. c. 73. as to Insolvents:—and c. 74. as to Administration of Criminal Justice in the East Indies:—3, 4 Will. IV. c. 93; to regulate the Trade to China and India: and 4, 5 Will. IV. c. 33, as to Deposits upon Teassold at the Company's Sales.	30 April or 30 April  [See post, 3, 4 Will. IV. c. 85. No. 36.]	1854  1874
	6 Ann.	17.			
	10 Ann.	28.			
	3 Geo. 2.	14.			
	17 - -	17.			
	13 Geo. 3.	64.			
	19 - -	61.			
	20 - -	56.			
	21 - -	65.			
	33 - -	52.			
	53 - -	155.			
	54 - -	34.			
	3, 4 W. 4.	85.			

(A) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS— <i>continued</i> .				
Matter.	Date.	Ch.	Title of the Act.	Duration.
3.  BANK of ENGLAND Continuance: and OTHER BANKERS LIMITED.	6 Ann.	22. § 9.	For continuing several duties, &c., and for securing the credit of the Bank of England, &c. &c. [§ 9. of 6 Ann. restricts the number of Partners to Six in all other Banks in England issuing Notes on demand, &c., during the continuance of the Bank of England Corporation. The period of that continuance, and of the restriction on other Banks, is enlarged by the subsequent Acts. The original continuance under 5, 6 W. & M. c. 20. was until 12 months' notice after 1 August 1705; enlarged to 1710, by 8, 9 W. & M. c. 20. (see <i>ante</i> , N° 1.) and afterwards by 7 Ann. and the subsequent Acts, to 1732, 1742, 1764, 1786, 1812, and by 39, 40 Geo. 3. to 1833. By 3 Will. IV. c. 98. § 2. Banking Corporations or Societies or Partnerships of more than Six Persons in number, are prohibited from issuing Notes or Bills payable on demand, in London or elsewhere, within 65 miles thereof. But by § 3. of that Act, any Body Politic or Corporate, or Society, or Company, or Partnership, although consisting of more than Six Persons, may carry on the business of Banking, in London or within 65 miles thereof; Provided that they do not borrow, owe, or take up, in England, any sums on their Bills or Notes, payable on demand, or at any less time than Six Months, during the continuance of the privileges granted to the Bank of England.] By 56 Geo. 3. c. 96. § 4. Bank of England Notes were declared receivable in payment of the Public Revenues. By § 6. of 3, 4 Will. IV. c. 98. such Bank Notes are declared a legal Tender for all sums above £. 5; except at the Bank of England and its Branch Banks. By 4, 5 Will. IV. c. 80. Provision is made for the repayment to the Bank of one-fourth of the Debt from the Public to the Bank; and the Bank is continued a Corporation until the Redemption of £. 4,080,000 Reduced Annuities mentioned in that Act.	Determinable upon one Year's Notice given within Six Months after 1 August & Repayment of Debt due from the Public.
	7 - -	7 § 5. 6. 7. 61.		
	12 - -	11 § 23. 24. 25.		
	15 Geo. 2.	13 § 3. 4. 5.		
	4 Geo. 3.	25 § 12. 13. 14.		
	21 - -	60 § 11. 12.		
	39, 40 -	28 § 14. 15.		
	56 - -	96.		
	7 Geo. 4.	46.		
	3, 4 W. IV.	98.		
	4, 5 W. IV.	80.		
4.	18 Geo. 3.	31.	For enabling his Majesty to settle on their Royal Highnesses the Princes [Frederick Bishop of Osnaburgh, (1)] [William Henry, (2)] [Edward, (3)] Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an Annuity of Sixty thousand Pounds per annum; (4) and also to settle on their Royal Highnesses the Princesses [Charlotte Augusta Matilda, (5)] Augusta Sophia, (6) Elizabeth, (7) Mary, and Sophia, one other Annuity of Thirty thousand Pounds per annum; and also to settle on his Highness Prince William Frederick, one other Annuity of Eight thousand Pounds per annum; (8) and on her Highness the Princess Sophia Matilda, one other Annuity of Four thousand Pounds per annum.  N. B.—By 39 Geo. 3. c. 30. his Majesty was enabled to settle on her Royal Highness Princess Amelia, part of the said Annuity of £. 30,000.—The Princess died 2d Nov. 1810. By 52 Geo. 3. c. 57. the annuity to the Princesses is increased to £. 36,000. (1) Prince Frederick Duke of York, deceased in 1827. (2) His late Majesty King William IV.; this ceased; see stat. 1 Will. IV. st. 2. c. 25. § 9. (3) Prince Edward, Duke of Kent, deceased in 1820. (4) This Annuity of £. 60,000 was, by § 2 of 1 Geo. 4. c. 108, charged on the Consolidated Fund during the life of his Majesty King Geo. IV.; and by stat. 1 Will. IV. st. 2. c. 25. § 11, the Annuities of £. 15,000 each, payable to the three Princes (the Dukes of Cumberland, Sussex, and Cambridge), are charged on that Fund, during their respective lives. (5) Princess Charlotte Augusta Matilda, Queen of Wirtemberg, deceased in 1828. (6) Princess Augusta Sophia, deceased in 1840. (7) Duchess of Hesse Hombourg, deceased in 1840. (8) Prince William Frederick, Duke of Gloucester, deceased in 1834. [For further Grants, see <i>post</i> , N° 9, 12, 13, 14, 18, 29, 46, and 70.]	Lives of the Grantees.
ROYAL FAMILY.	and see			
	46 - -	145.		
	47 - - st. 1. }	39.		
	52 - -	57.		
	1 Geo. 4.	108.		
	1 Will. IV.	25.		
	Sess. 2.	§ 9. 11.		

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—continued.						
Matter.	Date.	Ch.	When passed.*	Title of the Act.	Duration.	
5. ANNUITIES.	29 Geo. 3. amended 30 - -	41. 45.		For raising a certain sum of Money, by way of Annuities, to be attended with the benefit of survivorship, in classes.  [By the Act 30 Geo. 3. these Annuities are converted into annuities for 69 years and $\frac{1}{4}$ from 10th October 1790.]	5 January	1860
6. EAST INDIA COMPANY. (Friendly Ships.)	37 Geo. 3.	117.	19 July 1797.	For regulating the Trade to be carried on with the British Possessions in India, by the ships of Nations in amity with His Majesty.	Continuance of the East India Company's Trade & Territorial Rights. (Sec N <sup>o</sup> 2.)	

**(B.) ACTS OF THE IRISH PARLIAMENT,**  
**PASSED BEFORE THE UNION OF GREAT BRITAIN AND IRELAND,**  
 (Amended and continued by Acts of the Parliament of the United Kingdom.)

Matter.	Date.	Ch.	Title of the Act.	Duration.		
7.	21,22 Geo. 3.	16.	For establishing a Bank, by the name of The Governor and Company of the Bank of Ireland			
	amended by					
	36 - -	22.				
BANK	37 - -	50.				
of	Acts of the United Parliament.		To regulate the repayment of certain sums advanced by the Governor and Company of the Bank of Ireland, for the Public Service.		6 Months' notice after 1 January	
IRELAND.	48 - -	103.				
	1,2 Geo. 4.	72.				
	3 Geo. 4.	26.				
	7 Will. 4. } & 1 Vict. }	59.				
	1, 2 Vict.	81.				
	2, 3 Vict.	91.				
	3, 4 Vict.	75.				
				The several Loans from the Bank to the Public may be repaid, &c. upon - - - - -		
						1841

(C.) ACTS OF THE UNITED PARLIAMENT;  
SUBSEQUENT TO 1<sup>ST</sup> JANUARY 1801:  
THE COMMENCEMENT OF  
THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
8. ANNUITIES.	43 Geo. 3.	67.	24 June 1803.	For raising the sum of Twelve Millions, by way of Annuities.	56 Years and 9 Months from 5 April 1803; i. e. 5 January 1860
9.  ROYAL FAMILY.	46 Geo. 3.  amended  47 (st. 1.)	145.  39.	22 July 1806.  9 April 1807.	For enabling his Majesty to settle Annuities on certain Branches of the Royal Family. <sup>1</sup> <sup>1</sup> Viz. Dukes of [Clarence,] [Kent,] Cumberland, Sussex, and Cambridge, [Princess Charlotte of Wales,] [Duchess Dowager of Gloucester,] [Duke of Gloucester,] and Princess Sophia of Gloucester. <sup>2</sup> His late Majesty King William IV. This ceased: see 1 Will. IV. st. 2. c. 25. § 9. } Expired, as to these Grantees, by their } decrease.	Lives of the Grantees.
10.  ARMS; IRELAND.	47 Geo. 3. (st. 2.)  continued & amended 50 Geo. 3.  continued 53 Geo. 3.  revived & continued 57 Geo. 3. 1 Geo. 4.  continued 4 Geo. 4.  continued & amended 10 Geo. 4.  revived & continued 1, 2 Will. IV.  continued 2, 3 Will. IV. 4, 5 Will. IV. 6, 7 Will. IV. amended & continued 1, 2, Vict.  continued. 3, 4, Vict.	54.  109.  78.  21. 47.  14.  47.  70, § 1. 53, § 1. 39, § 1. 71.  32.	13 Aug. 1807.                    28 July 1836.  4 Aug. 1838.  23 July 1840.	To prevent improper persons from having Arms in Ireland.	23 July and END of then NEXT SESSION.

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
11. PORTUGUESE DOMINIONS, (Trade with.)	51 Geo. 3.	47.	31 May 1811.	For carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation, concluded between his Majesty and his Royal Highness the Prince Regent of Portugal. And see § 8 of 59 Geo. 3. c. 54. & 2, 3 Will. 4. c. 84. s. 62. 64. <i>post</i> , N° 17.	Continuance of the Treaty (dated 19 Feb. 1810) with Portugal.	
12. ROYAL FAMILY.	56 Geo. 3.	24.	11 April 1816.	For better enabling his Majesty to make provision for the Establishment of [her Royal Highness the Princess Charlotte Augusta, and <sup>1</sup> ] his Serene Highness Leopold George Frederick Duke of Saxe, Margrave of Meissen, Landgrave of Thuringuen, Prince of Co-burgh of Saalfeld. <sup>1</sup> Expired, as to the Princess, by her decease in 1817.	Life of Prince Leopold.	
13. ROYAL FAMILY.	58 Geo. 3.	24.	8 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Cambridge; and <sup>1</sup> ] to settle an Annuity on the Princess of Hesse, in case she shall survive his said Royal Highness <sup>2</sup> . <sup>1</sup> As to the Duke, see 1 Geo. 4. c. 108. <i>post</i> , N° 18.	<sup>2</sup> Life of the Princess.	
14. ROYAL FAMILY.	58 Geo. 3.	25.	8 May 1818.	For enabling his Majesty to settle an Annuity on her Royal Highness the Duchess of Cumberland, in case of her surviving his Royal Highness the Duke of Cumberland.	Life of the Duchess.	
15. CHURCHES.	58 Geo. 3. amended 59 Geo. 3. 3 Geo. 4. 5 Geo. 4. and continued 7, 8 Geo. 4. 1, 2 Will. IV. 2, 3 Will. IV. 1 Vict. 1, 2 Vict.	45. 134. 72. 103. 72. 38. 61. 75. 107.	30 May 1818.     2 July 1827. 15 Oct. 1831. 11 July 1831. 17 July 1837. 15 Aug. 1838.	For building, and promoting the building, of Additional Churches in populous Parishes.  By § 8 of 58 Geo. 3. c. 45. the duration of the Commissions granted to the Commissioners for executing the Acts, unless revoked by the King, was limited to 10 years. By § 1 of 7, 8 Geo. 4. c. 72, the duration is extended 10 years further; and by 1 Vict. c. 75, for 10 years, &c. further, unless Her Majesty shall think fit sooner to revoke the said Commissions.	20 July and END of then NEXT SESSION.	1848

[illegible]





(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued</i> .						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
22. NEW- FOUNDLAND, (Marriages.)	5 Geo. 4. continued	68.	17 June 1824.	To repeal an Act [57 Geo. 3. c. 51.] to regulate the Celebration of Marriages in Newfoundland; and to make fur- ther Provisions for the Celebration of Marriages in the said Colony and its Dependencies.	Until repealed, &c. by the Colonial Legislature.	
	10 Geo. 4.	17.	14 May 1829.			
	2, 3 Will. IV	78. § 1.	1 Aug. 1832.			
23.  INSOLVENT DEBTORS, EAST INDIES.	9 Geo. 4.	73.	19 July 1828.	To provide for the Relief of Insolvent Debtors in the East Indies	1 March and END of then NEXT SESSION.	1845
	continued					
	2 Will. IV.	43.	1 June 1832.			
	amended					
	4, 5 Will. IV.	79.	14 Aug. 1834.			
	continued					
24.  NEW SOUTH WALES, &c.	6, 7 Will. IV.	47.	28 July 1836.	To provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.	31 December and END of then NEXT SESSION.	1841
	1 Vict.	42.	12 July 1837.			
	1, 2 Vict.	50.	27 July 1838.			
	continued & amended					
	2, 3 Vict.	70.	24 Aug. 1839.			
	continued & amended					
	3, 4 Vict.	62.	7 Aug. 1840.			
25.  WESTERN AUSTRALIA.	9 Geo. 4.	83.	25 July 1828.			
	continued					
	6, 7 Will. IV.	46.	28 July 1836.			
	1 Vict.	42.	12 July 1837.			
25.  WESTERN AUSTRALIA.	1, 2 Vict.	50.	27 July 1838.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.	1841
	continued & amended					
	2, 3 Vict.	70.	24 Aug. 1839.			
	continued & amended					
	3, 4 Vict.	62.	7 Aug. 1840.			
25.  WESTERN AUSTRALIA.	9 Geo. 4.	83.	25 July 1828.			
	continued					
	6, 7 Will. IV.	46.	28 July 1836.			
	1 Vict.	42.	12 July 1837.			
25.  WESTERN AUSTRALIA.	1, 2 Vict.	50.	27 July 1838.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.	1841
	continued & amended					
	2, 3 Vict.	70.	24 Aug. 1839.			
	continued & amended					
25.  WESTERN AUSTRALIA.	3, 4 Vict.	62.	7 Aug. 1840.			
	continued & amended					
	6, 7 Will. IV.	68.	13 Aug. 1836.			
	1, 2 Vict.	46.	27 July 1838.			

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
26. FRIENDLY SOCIETIES.	10 Geo. 4. amended. 2 Will. IV. 4, 5 Will. IV. 6, 6 Will. IV.	56. * 37. 40. 23.	19 June 1823. 23 May 1832. 30 July 1834. 21 Aug. 1835.	To consolidate and amend the Laws relating to Friendly Societies. * § 40, of 10 Geo. 4. c. 56. as to continuance of former Acts, and Societies established under them, was prolonged by § 1. of 2 Will. IV. c. 37. until 29 September 1834; and by § 14 of 4, 5 Will. IV. c. 40, is further prolonged until they shall conform to the Act 10 Geo. 4. as amended by 4, 5 Will. IV. c. 40. The Act 5. 6 Will. IV. c. 23. is for the establishment of Loan Societies in England and Wales; and to extend the provisions of the Friendly Societies Acts to the Islands of Guernsey, Jersey and Man. See also 6, 7 Will. IV. c. 32. as to Benefit Building Societies.	Until conformity with 10 Geo. 4. cc. 56, &c.
27. ANNUITIES.	11 Geo. 4.	13.	3 May 1830.	For transferring certain Annuities of £. 4 per cent. per annum into Annuities of £. 3. 10s. or £. 5 percent. per annum. § 2. The New £. 5 per cents are redeemable after	5 January 1873
28. ARMS, Importation, &c. (Ireland.)	1 Will. IV. continued 2, 3 Will. IV. 4, 5 Will. IV. 6, 7 Will. IV. 1, 2 Vict. 3, 4 Vict.	44. 70. § 2. 53. § 2. 39. § 2. 71. 32.	16 July 1830. 1 August 1832. 13 Aug. 1834. 28 July 1836. 4 Aug. 1838. 23 July 1840.	To regulate the Importation of Arms, Gunpowder and Ammunition into Ireland; and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in Ireland.	23 July 1841 and END of then NEXT SESSION.
29. ROYAL FAMILY. THE QUEEN DOWAGER.	1, 2 Will. IV.	11.	2 Aug. 1831.	For enabling His Majesty to make provision for supporting the Royal Dignity of The Queen in case she shall survive His Majesty.	Life of HER MAJESTY the QUEEN DOWAGER.
30. LINEN, HEMPEN, COTTON and other MANUFACTURES, (Ireland.)	2, 3 Will. IV. 5, 6 Will. IV. 1, 2 Vict. amended 3, 4 Vict.	77. 27. 52. 91.	1 Aug. 1832. 21 Aug. 1835. 27 July 1838. 10 Aug. 1840.	For the better Regulation of the Linen and Hempen Manufactures of Ireland. The Act 5, 6 Will. IV. c. 27, is intituled, "An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland." It appears rather to supersede than to continue the Act 2, 3 Will. IV. c. 77. See §§ 15 & 38, as to the continuance of Committees appointed under 2, 3 Will. IV. c. 77, after the end of the Session, until removed by the Lord Lieutenant of Ireland. The term of duration applies only to the last Act. See § 38 of that Act. By 1, 2 Vict., c. 52, the Act 5, 6 Will. IV. c. 27, is continued for five years, &c. By 3, 4 Vict. c. 91. the former Acts are in part repealed, and provision made for the above, and other manufactures until -	27 July 1843 and END of then NEXT SESSION.         10 August 1841 and END of then NEXT SESSION.

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
31. <b>INSANE PERSONS.</b>	2, 3 Will. IV. amended 3, 4 Will. IV. continued 5, 6 Will. IV. 1, 2 Vict.	107. 64. 22. 73.	11 Aug 1832. 28 Aug 1833. 21 Aug. 1835. 10 Aug. 1838.	For regulating [for Three Years, and from thence until the End of the then next Session of Parliament] the Care and Treatment of Insane Persons in England.	10 August and END of then NEXT SESSION.	1841
32. <b>PARTY PROCESSIONS (Ireland.)</b>	2, 3 Will. IV. continued 1, 2 Vict.	118. 34.	16 Aug. 1832. 4 July 1838.	To restrain [for Five Years] in certain cases, Party Processions in Ireland.	4 July and END of then NEXT SESSION.	1843
33. <b>POOR Scotch and Irish Removal.</b>	3, 4 Will. IV. continued and amended 7 Will. IV. continued 3, 4 Vict.	40. 10. 27.	14 Aug. 1833. 21 April 1837. 3 July 1840.	To repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other Provisions in lieu thereof.	1 August and END of then NEXT SESSION.	1843
34. <b>LAW Amendment.</b>	3, 4 Will. IV.	42.	14 Aug. 1833.	For the further Amendment of the Law and the better Advancement of Justice.  § 3. Limitation of certain Actions to be brought after the end of the Session 3, 4 Will. IV.	Ten Years, i. e. 29 August	1843
35. <b>CHIMNEY SWEEPERS.</b>	4, 5 Will. IV. continued 3, 4 Vict.	35. 85.	25 July 1834. 7 Aug. 1840.	For Regulation of Chimney Sweepers and their Apprentices, and better construction of Chimneys.  Further continued until - - - -	1 July	1842
36. <b>EAST INDIA Company.</b>	53 G. III. 3, 4 Will. IV.	155. 85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till - - - -  § 12. Dividend shall be subject to Redemption by Parliament (on 12 months' notice) upon and at any time after - - - -  § 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may demand Redemption of the Dividend.	30 April  30 April	1854  1874

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
37. POOR LAW Commissioners.	4, 5 Will. IV.	76.	14 Aug. 1834.	For the Amendment and better Administration of the Laws relating to the Poor in England and Wales.  § 10. Power of the Commissioners, and of appointing them.  The Act 6, 7 Will. IV. extends the period for the repayment of Loans, from 10 years to 20.		
	amended 6, 7 Will. IV.	107.	20 Aug. 1836.			
	2, 3 Vict.	{ 83. 84. 85. }	26 Aug. 1839.			
	3, 4 Vict.	42.	4 Aug. 1840.	Commission continued until - - - -	31 December	1841
38. SOUTHERN AUSTRALIA.	4, 5 Will. IV.	95.	15 Aug. 1834.	To empower His Majesty to erect Southern Australia into a British Province or Provinces; and to provide for the Colonization and Government thereof.  4, 5 Will. IV. c. 95, § 25. If after 10 years from the passing of the Act the Population shall be less than 20,000 natural-born Subjects, Public Lands then unsold may be disposed of by the Crown.	15 August	1844
	amended 1, 2 Vict.	60.	31 July 1838.			
39. ROAD Presentments and Contracts, (Ireland.)	5, 6 Will. IV.	31.	21 Aug. 1835.	To give effect and validity to certain Contracts and Presentments for Repairing and keeping in Repair certain Public Roads in Ireland, and the Sureties entered into for the Execution thereof.	As to Contracts, &c., for One Year.	
40. TURNPIKE, &c. ACTS (Ireland.)	6, 7 Will. IV.	40.	28 July 1836.	To continue the several Acts for regulating the Turnpike Roads in Ireland until - - - -	4 August and END of THEN NEXT SESSION.	1841
	continued 1, 2 Vict.	72.	4 Aug. 1838.			
	continued 3, 4 Vict.	46.	4 Aug. 1840.			

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
41.  ECCLESIASTICAL DIGNITIES, OFFICES, PRE-FERMENTS, SINECURE RECTORIES and ECCLESIASTICAL COURTS, (E. & W.)          ECCLESIASTICAL DUTIES and REVENUES, (E. & W.)	5, 6 Will. IV.	30.	21 Aug. 1835.	For protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices, without Cure of Souls, &c.	1 August and if Parliament shall then be sitting, to the END of THAT SESSION.          1 August and if Parliament shall then be sitting, to the END of THAT SESSION.
	6, 7 Will. IV.	67.	13 Aug. 1836.	For suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.	
	1 Vict.	71.	15 July 1837.		
	1, 2 Vict.	108.	15 Aug. 1838.	To suspend certain Cathedral and other Ecclesiastical Preferments, and the operation of the new Arrangement of Dioceses upon Ecclesiastical Courts.	
	2 Vict.	14.	4 June 1839.		
	2, 3 Vict.	55.	17 Aug. 1839.	§ 60. Former Acts continued in part, as to Dioceses or Cathedral Churches of St. Asaph, and Bangor, until - - - - -	
	3, 4 Vict.	113.	11 Aug. 1840.		
	6, 7 Will. IV.	77.	13 Aug. 1836.	For carrying into effect the Reports of the Commissioners on state of Established Church with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.	
	1 Vict.	71.	15 July 1837.		
	1, 2 Vict.	108.	15 Aug. 1838.	§ 92. Temporary provisions of 6, 7 Will. 4. c. 77, continued until - - - - -	
2, 3 Vict.	55.	17 Aug. 1839.			
3, 4 Vict.	113.	11 Aug. 1840.			
42.  STANNARY COURTS, (Cornwall.)	6, 7 Will. IV.	106.	20 Aug. 1836.	To make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall; and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.  § 23. Appointment of Registrar.	During the continuance in Office of the present Lord Warden.
43.  SLAVE TRADE TREATIES.	1 Vict.	62.	15 July 1837.	To authorize Her Majesty to carry into immediate execution, by Orders in Council, any Treaties, Conventions or Stipulations made with any Foreign Power or State, for the Suppression of the Slave Trade, until - - - - -	8 Months after the commencement of this SESSION. i. e. 26 September
	revived and continued				
	1, 2 Vict.	102.	14 Aug. 1838.		
	2, 3 Vict.	57.	17 Aug. 1839.		
	continued				
3, 4 Vict.	64.	7 Aug. 1840.			

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
44. USURY.	1 Vict. amended and extended 2, 3 Vict. continued 3, 4 Vict.	80.  37.  83.	17 July 1837.  29 July 1839.  7 Aug. 1840.	To exempt certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury, until -	1 January	1843
45. CIVIL LIST.	1 Vict. st. 2.	2.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - -	6 Months after the Death of The Queen.	
46. ROYAL FAMILY. DUCHESS OF KENT.	1 Vict. st. 2.	8.	20 Jan. 1838.	To enable Her Majesty to grant an Annual Sum to Her Royal Highness Victoria Maria Louisa Duchess of Kent - - - - -	Life of the Duchess.	
47. TURNPIKE ACTS.	1, 2 Vict.  continued 3, 4 Vict.	68.  45.	4 Aug. 1838.  4 Aug. 1840.	To continue the Local Turnpike Acts for Great Britain, which expire with this or the ensuing Session of Parliament, until - - - - -	1 June or, if Parlia- ment be then sitting, END of that SESSION.	1842
48. BANKING COMPANIES.	1, 2 Vict.  continued 2, 3 Vict.  continued and extended 3, 4 Vict.	96.  68.  111.	14 Aug. 1838.  24 Aug. 1839.  11 Aug. 1840.	To amend the Law relative to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.  Farther continued, until - - - - - § 2. Extended to embezzling Notes.	31 August	1842
49. CORNWALL and LANCASTER, DUCHIES of.	1, 2 Will. 4. 1, 2 Vict.	5. 101.	14 Aug. 1838.	To revive and continue an Act [1, 2 Will. IV. c. 5.] to enable His [late] Majesty to make Leases, Copies and Grants of Offices, Lands and Hereditaments, Parcel of the Duchy of Cornwall, or annexed to the same; and to make Provision for rendering to Parliament Annual Accounts of the Receipts and Disbursements of the Duchies of Cornwall and Lancaster -	§ 1. While the Duchy of Cornwall remains vested in The Queen.	

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
50.  MUTINY ACT (Army.)	3 Vict.	6.	3 April 1840.	For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.  Continuance: In Great Britain - - - - - - - Ireland, Jersey, &c. - - - - - - - Gibraltar, the Mediterranean, Spain and Portugal - - - - - - - Elsewhere in Europe, and in the West Indies and America - - - - - - - Cape of Good Hope, Isle of France, Mauritius, St. Helena, and Western Coast of Africa - - - - Elsewhere - - -  See § 80 of the Act, and the proviso at the end thereof, as to commencement of the Act in Foreign Parts, by promulgation in General Orders.	25 April 1 May 1 August 1 Sept. 1 January 1 February	1841     1842 1843
51.  MUTINY ACT, (Marine Forces.)	3 Vict.	8.	3 April 1840.	For the regulation of Her Majesty's Royal Marine Forces while on shore.  Continuance: In Great Britain - - - - - - - Ireland, Jersey, &c. - - - - - - - Gibraltar, Spain and Portugal - - - - - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope - - - - - - - Elsewhere - - -	25 April 1 May 25 July 25 Sept. 25 Nov.	1841
52.  BRITISH MUSEUM.	2 Vict.	10.	4 June 1839.	For enabling the Trustees of the British Museum to purchase certain Houses and Ground for the Enlargement of the Museum, and making a suitable Access thereto.	4 June 6 Years after passing this Act.	1845
53.  ANNUAL DUTIES, Sugar.	6, 7 Will. 4. 3, 4 Vict.	26. 23.	3 July 1840.	For granting to Her Majesty, until the 5th day of July 1841, certain Duties on Sugar imported into the United Kingdom, for the Service of the year 1840 - - - -  See 1 Vict., c. 57, as to Duties on Sugar made from Beet Root in the United Kingdom. See 3, 4 Vict., c. 57, as to Duties on Sugar manufactured in the United Kingdom.	5 July	1841
54.  TURNPIKE ACTS, (E. & W.)	3, 4 Vict.	45.	4 Aug. 1840.	To continue the local Turnpike Acts in England and Wales, which expire with this or the ensuing Session of Parlia- ment, until - - - -	1 June or, if Parliament be then sitting, END of that SESSION.	1842



(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
55. EXCISE, SOAP.	2, 3 Vict.	32.	29 July 1839.	To continue certain of the Allowances of the Duty of Excise upon Soap used in Manufactures, until - - - See also 3, 4 Vict., c. 49, s. 71.	END of the SESSION of Parliament next after 31 May 1841
56. INDEMNITY OFFICES, &c.	3 Vict.	16.	19 June 1840.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those purposes respectively until - - - - -	25 March 1841
57. ELECTION PETITIONS.	2, 3 Vict.	38.	17 Aug. 1839.	To amend the Jurisdiction for the Trial of Election Petitions.  Act 9 Geo. IV. c. 22, and part of 42 Geo. III. c. 106, as to Controverted Elections (in England and Ireland), suspended until -	END of Second SESSION of the first Parliament to be called after the Dissolution of this Parliament.
58. PRISONS (Scotland.)	2, 3 Vict.	42.	17 Aug. 1839.	To improve Prisons and Prison Discipline in Scotland.	1 January and END of then NEXT SESSION. 1851
59. MILITIA BALLOT SUSPENSION.	3, 4 Vict.	71.	7 Aug. 1840.	To suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, until - - -	END of this PRESENT SESSION 1841
60. TIMBER.	3, 4 Vict.	36.	23 July. 1840.	To prevent Ships clearing out from a British North American Port loading any part of their Cargo of Timber upon Deck, until - - - - -	1 May 1842
61. MILITIA PAY, (G. B. & I.)	3, 4 Vict.	70.	7 Aug. 1840.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances to certain Officers of the Militia, until - - - - -	1 July 1841

## (C.) ACTS OF THE UNITED PARLIAMENT—continued.

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
62. OATHS, UNLAWFUL, (Ireland.)	2, 3 Vict.	74.	24 Aug. 1839.	To extend and render more effectual, for Five Years, an Act passed in the fourth year of his late Majesty George the Fourth [4 Geo. 4. c. 87], to amend an Act passed in the fiftieth year of his Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.	1 September	1844
63. CORPORATE PROPERTY (Ireland.)	2, 3 Vict.  continued and amended  3, 4 Vict.	76.   109.	24 Aug. 1839.  10 Aug. 1840.	To restrain the Alienation of Corporate Property in certain Towns in Ireland.  Further restrained (Sect. 12.)	Until Act for regulating Municipal Corporations in Ireland shall come into operation, or 25 October	1841
64. ASSAULTS (Ireland.)	2, 3 Vict.	77.	24 Aug. 1839.	For the better Prevention and Punishment of Assaults in Ireland, for Five years.	1 September	1844
65. HIGHWAY RATES. (E.)	2, 3 Vict.  amended  3, 4 Vict.	81.  98.	24 Aug. 1839.  10 Aug. 1840.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain cases [for One year], &c.	24 August and END of then NEXT SESSION. i. e. END of THIS SESSION.	1840
66. MANCHESTER POLICE.	2, 3 Vict.	87.	26 Aug. 1839.	For improving the Police in Manchester [for Two years], &c.  See also 3 & 4 Vict. c. 30.	26 August and END of then NEXT SESSION.	1841
67. BIRMINGHAM POLICE.	2, 3 Vict.	88.	26 Aug. 1839.	For improving the Police in Birmingham [for Two years], &c.  See also 3 & 4 Vict. c. 30.	26 August and END of then NEXT SESSION.	1841
68. BOLTON POLICE.	2, 3 Vict.	95.	27 Aug. 1839.	For improving the Police in Bolton [for Two years], &c.  See also 3 & 4 Vict. c. 30.	27 August and END of then NEXT SESSION.	1841

(C.) ACTS OF THE UNITED PARLIAMENT—continued.						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
69. FISHERIES.	2, 3 Vict.	96.	27 Aug. 1839.	To authorize Her Majesty, until Six Months after the commencement of the next Session of Parliament, to carry into effect a Convention between Her Majesty and the King of the French, relative to the Fisheries on the Coasts of the British Islands and France.	6 Months after the Commencement of THIS SESSION; i. e. 26 July	1841
	continued 3; 4 Vict.	69.	7 Aug. 1840.	Further continued until . . . . .		
70. ROYAL FAMILY. PRINCE ALBERT.	3 Vict.	3.	7 Feb. 1840.	For enabling Her Majesty to grant an Annuity to His Serene Highness Prince Albert of Saxe Coburg and Gotha.	Life of His Serene Highness.	
71. MANCHESTER, BIRMINGHAM and BOLTON POLICE RATES.	3, 4 Vict.	30.	23 July 1840.	For the more equal Assëssment of Police Rates in Manchester, Birmingham and Bolton, and to make better Provision for the Police of Birmingham [for One year], &c.	23 July and END of then NEXT SESSION.	1841
72. POOR'S RATES STOCK IN TRADE EXEMPTION.	3, 4 Vict.	89.	10 Aug. 1840.	To exempt Inhabitants of Parishes, &c. from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until . . . . .	1 December	1841
73. WATERFORD COUNTY RATES VALUATION [Ireland.]	3, 4 Vict.	109.	10 Aug. 1840.	To annex certain parts of Counties of Cities to adjoining Counties in Ireland, &c.  § 5. Commissioners under 1 Vict. c. 61, re-appointed, and their Powers to continue for One year.	10 August	1841
74. LOAN SOCIETIES.	3, 4 Vict.	110.	11 Aug. 1840.	To amend the Laws relating to Loan Societies.	31 December	1841

II.

EXPIRED LAWS;

VIZ.:

BETWEEN 16 JANUARY 1840 AND 26 JANUARY 1841.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Time of Expiration.</i>	
1. Nova Scotia.	NOVA SCOTIA CANAL.	1 Will. IV. c. 34.	- - - -	16 July	1840
2. British Colonies.	SLAVERY ABOLITION.	3, 4 Will. IV. c. 73.	1 Vict. stat. 2. c. 3.	1 August	1840
3. Ireland.	PEACE PRESERVATION.	5, 6 Will. IV. c. 48.	- - - -	31 August	1840
4. Jamaica.	SLAVERY ABOLITION.	6 Will. IV. c. 16.	- - - -	1 August	1840
5. Lower Canada.	LOWER CANADA.	1 Vict. stat. 2, c. 9.	2, 3 Vict. c. 53.	1 November	1840
London.	LONDON METROPOLIS THOROUGHFARES.	2, 3 Vict. c. 80.	- - - -	24 August	1840

### III.

## EXPIRING LAWS;

VIZ:

IN THE COURSE OR AT THE END OF THE PRESENT SESSION:

Or after 26th January 1841, and on or before 1st August 1842, &c.

*N. B.*—"&c." after any Date in the following List, signifies—to the End of the Session which will commence next after the Date specified. In one or two cases it refers to the existing Session.

#### ACTS EXPIRING AT THE END OF THE PRESENT SESSION, 4 VICT.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N° in Register.</i>
E. & W.	ECCLESIASTICAL MATTERS.	5, 6 Will. IV. c. 30.	3, 4 Vict. c. 113.	41.
E.	HIGHWAY RATES.	2, 3 Vict. c. 81.	3, 4 Vict. c. 98.	65.
U. K.	MILITIA BALLOT SUSPENSION.	3, 4 Vict. c. 71.	- - - -	59.

## ACTS EXPIRING after 26th January 1841, and on or before 1st August 1842, &amp;c.

<i>Period of Duration.</i>	<i>Extend- ing to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N<sup>o</sup> in Register.</i>
<u>1841 :</u>					
25 March - -	U. K.	Indemnity Offices -	3, 4 Vict. c. 16. -	- - - - -	56.
25 April - -	U. K.	Mutiny Acts - -	3, 4 Vict. cc. 6, 8. -	- - - - -	{ 50. 51.
19 May, &c. -	I.	Insolvent Debtors -	1, 2 Geo. IV. c. 59.	3 Vict. c. 14. - -	19.
31 May, &c. -	U. K.	Excise Soap - -	2, 3 Vict. c. 32. -	3, 4 Vict. c. 49. -	55.
1 July - -	U. K.	Militia Pay, &c. -	3, 4 Vict. c. 70. -	- - - - -	61.
5 July - -	U. K.	{ Annual Duties; Sugar, &c. - - }	6, 7 Will. IV. c. 26. -	3, 4 Vict. c. 23. -	53.
23 July, &c. -	I.	Arms - - -	47 Geo. III. § 2, c. 54.	3, 4 Vict. c. 32. -	10.
23 July, &c. -	I.	Arms Importation -	1 Will. IV. c. 44. -	3, 4 Vict. c. 32. -	28.
23 July, &c. -	E.	{ Manchester, Birming- ham and Bolton Police Rates - }	3, 4 Vict. c. 30. -	- - - - -	{ 71. 72.
26 July - -	U. K.	Fisheries - -	2, 3 Vict. c. 96. -	3, 4 Vict. c. 69. -	69.
4 August, &c.	I.	Turnpike, &c. Acts -	6, 7 Will. IV. c. 40. -	3, 4 Vict. c. 46. -	40.
10 August -	I.	{ Waterford County Rates Valuation - }	3, 4 Vict. c. 109. -	- - - - -	73.
10 August, &c.	I.	{ Linen, &c., Manu- factures - - }	2, 3 Will. IV. c. 77.	3, 4 Vict. c. 91. -	30.
10 August, &c.	E.	Insane Persons -	2, 3 Will. IV. c. 107.	1, 2 Vict. c. 73. -	31.
26 August, &c.	E.	Manchester Police -	2, 3 Vict. c. 87. -	- - - - -	66.
26 August, &c.	E.	Birmingham Police -	2, 3 Vict. c. 88. -	- - - - -	67.
26 August, &c.	E.	Bolton Police - -	2, 3 Vict. c. 95. -	- - - - -	68.
26 September	—	Slave Trade Treaties	1 Vict. c. 62. - -	3, 4 Vict. c. 64. -	43.
25 October -	I.	Corporate Property -	2, 3 Vict. c. 76. -	3, 4 Vict. c. 109. -	63.
1 December -	E.	{ Poor Rates Stock in Trade, &c., Ex- emption - - }	3, 4 Vict. c. 89. -	- - - - -	72.
31 Dec., &c. -	N.S.W.	New South Wales -	9 Geo. IV. c. 83. -	3, 4 Vict. c. 62. -	24.
31 Dec., &c. -	Australia	Western Australia -	10 Geo. IV. c. 22. -	1, 2 Vict. c. 46. -	25.
31 Dec. - -	{ E. & W. }	{ Poor Law Commis- sioners - - }	4, 5 Will. IV. c. 76 -	3, 4 Vict. c. 42. -	37.
31 Dec. - -	E. & W.	Loan Societies -	3, 4 Vict. c. 110. -	- - - - -	74.

ACTS EXPIRING after 26th January 1841, and on or before 1st August 1842, &c.—*continued.*

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N° in Register.</i>
<b>1842 :</b> <b>==</b>					
5 April - -	G. B.	{ Assessed Taxes } Composition -	59 Geo. III. c. 51. -	3, 4 Vict. c. 38. -	16.
1 May - -	—	Timber - - -	3, 4 Vict. c. 36. -	- - - - -	60.
1 June, &c. -	{ E. & } W. }	Turnpike Acts -	3, 4 Vict. c. 45. -	- - - - -	54.
1 June, &c. -	G. B.	- - ditto - -	1, 2 Vict. c. 68. -	3, 4 Vict. c. 45. -	47.
1 July - -	U. K.	Chimney Sweepers -	4, 5 Will. IV. c. 35.	3, 4 Vict. c. 85. -	35.
31 August - -	U. K.	Banking Companies	1, 2 Vict. c. 96. -	3, 4 Vict. c. 111. -	48.

## IV.

## LIST OF LAWS,

WHEREOF

THE DURATION DEPENDS ON PUBLIC CONTINGENCIES.

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>N<sup>o</sup> in Register.</i>
G. B.	ROYAL FAMILY.	18 Geo. III. c. 31. - 46 Geo. III. c. 145. - 47 Geo. III. st. 1. c. 39. 52 Geo. III. c. 57. - 56 Geo. III. c. 24. - 58 Geo. III. cc. 24. 25. -	- - - - -	Lives of Grantees.	4.
		1 Geo. IV. c. 108. § 1. 1 Will. IV. c. 25. - 1, 2 Will. IV. c. 11. - 1 Vict. st. 2. c. 8. - 3 Vict. c. 3. - - -			9. 12. 13. 14. 18. 29. 46. 70.
E.	BANK of England.	5, 6 W. & M. c. 20. § 20. 8, 9 Will. III. c. 20. § 26-28 - - - 9, 10 Will. III. c. 44. § 75. 10 Geo. IV. c. 31. -	10 Geo. IV. c. 31. § 24.	Until Redemption of Bank Annuities.	1.
		6 Anne, c. 22. § 9. - 7 Anne, c. 7. § 5, 6, 7, 61. - - - - - 12 Anne, c. 11. § 23-25. 15 Geo. II. c. 13. § 3, 5. 4 Geo. III. c. 25. § 12-14. 21 Geo. III. c. 60. § 11, 12. 39, 40 Geo. III. c. 28. § 14, 15 - - - 7 Geo. IV. c. 46. - 3, 4 Will. IV. c. 98. -			3.



IV. ACTS whereof the Duration depends on PUBLIC CONTINGENCIES—*continued.*

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>No in Register.</i>
I.	BANK of Ireland.	21, 22 Geo. III. (1.) c. 16. 36 Geo. III. c. 22. - - 37 Geo. III. c. 50. - - 48 Geo. III. c. 103. - 1, 2 Geo. IV. c. 72. - - 3 Geo. IV. c. 26. - - 1 Vict. c. 59. - - 1, 2 Vict. c. 81. - - 2, 3 Vict. c. 91. - -	3, 4 Vict. c. 75. -	Expiration of 6 Months' Notice after 1 January 1841.	7.
U. K.	PORTUGUESE DOMINIONS; Trade with.	51 Geo. III. c. 47. - 59 Geo. III. c. 54. § 8.	- - - - -	Continuance of Treaty with Portugal.	11. 17.
U. K.	AMERICAN and PORTUGAL Trade, &c.	59 Geo. III. c. 54.	- - - - -	Continuance of Treaties.	17.
U. K.	NEWFOUND- LAND.	5 Geo. IV. cc. 67, 68. 10 Geo. IV. c. 17.	2, 3 Will. IV. c. 78.	Until Repealed by Colonial Legislature.	21. 22.
E.	FRIENDLY SOCIETIES.	10 Geo. IV. c. 56. 2 Will. IV. c. 37. 4, 5 Will. IV. c. 40. 5, 6 Will. IV. c. 23.	- - - - -	Continuance of former Acts, until conformity with 10 Geo. IV.	26.
E.	STANNARY COURTS.	6, 7 Will. IV. c. 106. § 23.	- - - - -	Continuance in Office of the present Lord Warden.	42.
U. K.	CIVIL LIST.	1 Vict. c. 2. - - -	- - - - -	6 Months after Death of The Queen.	45.
E.	CORNWALL and LANCASTER DUCHIES.	1, 2 Vict. c. 101. § 1.	- - - - -	While the Duchy remains vested in the Queen.	49.

## I N D E X

OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN  
THIS REPORT.

N.B.—The FIGURES refer to the Number in the Register of TEMPORARY LAWS;  
Except when *Exp.* is inserted, which refers to the List of EXPIRED LAWS.

The \* signifies that the Act relates *exclusively* to Ireland.

A.	N° in Register.	E.	N° in Register.
AMERICAN TRADE, &c. - -	17.	East India Company, (Charter), &c.	2, 36.
Annuities, Public - - -	5, 8, 27.	———— (Friendly Ships)	6.
and see Royal Family.		Ecclesiastical Matters, &c. - -	41.
* Arms, Possession of - - -	10.	Election Petitions - - -	57.
* ——— Importation of - - -	28.	F.	
* Assaults - - - - -	64.	Fisheries - - - - -	69.
Assessed Taxes : Composition - -	16.	Foreign Shipping - - - -	6.
Australia (Western) - - -	25.	Friendly Societies - - - -	26.
———— (Southern) - - -	38.	H.	
B.		Highland Roads and Bridges - -	20.
Bank of England - - - -	1, 3.	Highway Rates - - - -	65.
* ——— of Ireland - - - -	7.	I.	
Banking Copartnerships and Com-	48.	Indemnity Offices, &c. - - -	56.
panies.		Insane Persons - - - -	31.
Birmingham Police - - -	67.	* Insolvent Debtors - - - -	19.
Bishopricks (Revenues) - - -	41.	———— East Indies - -	23.
Bolton Police - - - -	68.	L.	
British Museum - - - -	52.	Lancaster (Duchy) - - - -	49.
C.		Law Amendment - - - -	34.
Canada (Lower) - - - -	Exp. 5.	* Linen, Hempen and other Manufactures	30.
Churches - - - - -	15.	Loan Societies - - - -	74.
Chimney Sweepers - - - -	35.	London Thoroughfares - - -	Exp. 6.
Civil List - - - - -	45.	Lunatics - - - - -	31.
Cornwall Duchy - - - -	49.	M.	
* Corporate Property - - -	63.	Manchester, Birmingham and Bolton	
		Police Rates - - - -	71.
		Manchester Police - - - -	66.

	N <sup>o</sup> in Register.		N <sup>o</sup> in Register.
<b>Militia :</b>			
—— Disembodied, Pay, &c. -	61.	Ernest Augustus - - -	4.
—— Suspending Ballot - -	59.	Gloucester, Duchess - - -	18.
Mutiny Act (Army) - - -	50.	Hesse, Princess - - -	13.
—— (Marines) - - -	51.	Kent, Duchess - - -	46.
		Leiningen, Princess.	
<b>N.</b>		Leopold, Prince - - -	12.
Newfoundland :		Mary, Princess - - -	4.
—— Judicature - -	21.	The Queen Dowager - - -	29.
—— Marriages - -	22.	Sophia, Princess - - -	4, 18.
New South Wales - - -	24.	Sophia-Matilda, Princess - -	4, 9.
Nova Scotia Canal - - -	Exp. 1.	Sussex, Duke - - -	4, 9.
		Prince Albert - - -	70.
<b>O.</b>			
* Oaths, Unlawful - - -	62.	<b>S.</b>	
		Slavery, and Slave Trade Abolition -	Exp. 2, 4.
<b>P.</b>		Slave Trade Treaties - - -	43.
* Peace Preservation - - -	Exp. 3.	Soap (Allowance of Duty) - -	55.
Poor, Scotch and Irish (Removal) -	33.	Stannary Courts - - -	42.
—— Law Commission - - -	37.	Sugar Duties - - -	53.
Poor's Rates, Stock in Trade Exemption -	72.		
Portugal Trade - - -	11, 17.	<b>T.</b>	
Prisons (Scotland) - - -	58.	Timber - - -	60.
* Processions - - -	32.	Turnpike Road Acts (G. B.) - -	47.
		* Turnpike Roads - - -	40.
<b>R.</b>		Turnpike Acts (E. & W.) - -	54.
* Roads - - -	39.		
<b>ROYAL FAMILY:</b>		<b>U.</b>	
Princes and Princesses - -	4, 9, 13, 14, 18.	Usury - - -	44.
Adolphus Frederick - - -	4.		
Augustus Frederick - - -	4.	<b>V.</b>	
Cambridge, Duke - - -	4, 9, 13, 18.	Van Diemen's Land - - -	24.
—— Duchess - - -	13.		
Cumberland, Duke - - -	4, 9.	<b>W.</b>	
—— Duchess - - -	14.	Waterford County Rates Valuation -	73.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study, showing the trends and patterns observed in the data. It includes several tables and figures to illustrate the findings.

4. The fourth part of the document discusses the implications of the results and the conclusions drawn from the study. It highlights the significance of the findings and their potential applications in the field.

5. The fifth part of the document provides a summary of the key points and a final conclusion. It reiterates the importance of the study and the need for further research in this area.

**R E P O R T**  
**FROM THE**  
**COMMITTEE**  
**UPON**  
**EXPIRED AND EXPIRING LAWS.**



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*Ordered, by The House of Commons, to be Printed,  
3 May 1841.*

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286.

*Under 8 oz.*

# **R E P O R T**

**FROM THE**

**SELECT COMMITTEE**

**APPOINTED TO PREPARE**

**MILITIA ESTIMATES.**

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*Ordered, by The House of Commons, to be Printed,*  
*8 June 1841.*

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*Lunæ, 7<sup>o</sup> die Junii, 1841.*

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*Ordered, THAT* a Select Committee be appointed to prepare Estimates of the Charge of the Disembodied Militia of Great Britain and Ireland, for a Year, to the 31st day of March 1842 :—

Mr. Macaulay.  
Lord Viscount Morpeth.  
Lord Viscount Howick.  
Sir Henry Hardinge.  
Sir Henry Parnell.  
Sir George Grey.  
Mr. Fox Maule.  
Colonel Gore Langton.

Mr. Hume.  
Colonel Perceval.  
Mr. Sanford.  
Mr. Robert Gordon.  
Mr. More O'Ferrall.  
Mr. Hawes.  
Mr. John Parker.  
And all Colonels of Militia.

*Ordered, THAT* Five be the Quorum of the said Committee.

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R E P O R T.

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THE SELECT COMMITTEE appointed to prepare ESTIMATES of the Charge of the DISEMBODIED MILITIA of *Great Britain and Ireland*, for a Year, to the 31st day of March 1842 :—HAVE prepared the said Estimates accordingly, and agreed to report the same to The HOUSE.

8 June 1841.

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## ESTIMATES.

## DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA of *Great Britain and Ireland*, from 1 April 1841 to 31 March 1842.

GREAT BRITAIN.	ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
STAFF:				
		£. s. d.		£. s. d.
Pay of Adjutants - - each at 8 - per diem	89	12,994 - -	89	12,994 - -
„ of Serjeant Majors - „ 1 10 „ -	89	2,977 15 10	89	2,977 15 10
„ of Serjeants - - - „ 1 6 „ -	640	17,520 - -	640	17,520 - -
Contingent Allowance, at 6 d. per annum for each Private on the Establishment, 50,888 Privates	- -	1,272 4 -	- -	1,272 4 -
Allowance for Medicines and Medical Attend- ance for 729 Men on the Staff, each at 2 d. per week - - - - -	- -	315 18 -	- -	315 18 -
On account of Clothing, and Compensation in lieu thereof - - - - -	- -	1,000 - -	- -	520 - -
TOTAL for the STAFF - - -	818	36,079 17 10	818	35,599 17 10
ALLOWANCES to SUBALTERNS and SURGEONS' MATES disembodied at the Peace:				
Lieutenants - each at 2 s. 6 d. per diem -	376	17,155 - -	391	17,839 7 6
Ensigns - - - „ 2 - „ - -	44	1,606 - -	46	1,679 - -
Surgeons' Mates - „ 2 6 „ - -	29	1,323 2 6	32	1,460 - -
	449	20,084 2 6	469	20,978 7 6
REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:				
In 1799: } Adjutants - each at 4 - per diem	10	730 - -	10	730 - -
39 & 40 } Serjeant-Major - at 1 - „	1	24 15 4	1	24 15 4
Geo. 3. c. 44. } and 2 6 per week				
In 1816: Second Adjutants, each at 4 - per diem	3	219 - -	3	219 - -
In 1829: 1 Paymaster, at 2 - per diem - 2 -				
1 „ - 2 6 „ - 2 6				
2 „ - 3 - „ - 6 -				
1 „ - 3 6 „ - 3 6				
11 „ - 4 - „ 2 4 -				
2 „ - 4 6 „ - 9 -				
5 „ - 5 - „ 1 5 -				
13 „ - 6 - „ 3 18 -				
36 Paymasters, at per diem £. 8 10 -	36	3,102 10 -	41	3,513 2 6
3 Surgeons, at 3 6 per diem - 10 6				
13 „ - 4 - „ 2 12 -				
2 „ - 4 6 „ - 9 -				
18 „ - 5 - „ 4 10 -				
5 „ - 6 - „ 1 10 -				
41 Surgeons, at per diem - £. 9 11 6	41	3,494 17 6	41	3,494 17 6
Reduced Allowances, carried forward - -	91	7,571 2 10	96	7,981 15 4

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN— <i>continued.</i>				ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
Reduced Allowances to Officers— <i>continued.</i>				Nos.	AMOUNT.	Nos.	AMOUNT.
					£. s. d.		£. s. d.
Brought forward - - -				91	7,571 2 10	96	7,981 15 4
In 1829: 3 Quarter- masters } at 2 - per diem - 6 -							
6	„	- 2 6	„ - 15 -				
3	„	- 3 -	„ - 9 -				
3	„	- 3 6	„ - 10 6				
5	„	- 4 -	„ 1 - -				
1	„	- 4 6	„ - 4 6				
21 Quartermasters, at per diem £. 3 5 -				21	1,186 5 -	22	1,277 10 -
TOTALS—Officers reduced on Reduction of Establishment - - - }				112	8,757 7 10	118	9,259 5 4
RETIRED ALLOWANCES to Officers disabled by Age or Infirmary :							
s. d.							
Adjutants, each	- at 8	- per diem	- -	19	2,774 - -	20	2,920 - -
Surgeons	- - - 6	- „	- - -	19	2,080 10 -	20	2,190 - -
Quartermasters	- 5	- „	- - -	8	730 - -	8	730 - -
Ditto	- - - 3	- „	- - -	1	54 15 -	1	54 15 -
Paymaster	- - - 6	- „	- - -	1	109 10 -	1	109 10 -
Ditto	- - - 5	- „	- - -	1	91 5 -	1	91 5 -
Ditto	- - - 4	- „	- - -	1	73 - -	1	73 - -
TOTALS—Disabled Officers - -				50	5,913 - -	52	6,168 10 -
TOTALS:							
Staff - - - - -				818	36,079 17 10	818	35,599 17 10
Allowances to 449 Subalterns, &c. 20,084 2 6							
Ditto - 112 Reduced Officers 8,757 7 10							
Ditto - 50 Disabled Officers 5,913 - -							
Allowances to 611 Officers - £. 34,754 10 4				611	34,754 10 4	639	36,406 2 10
TOTALS—Staff and Allowances to Officers -				1,429	70,834 8 2	1,457	72,006 - 8

# 6 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—continued.

GREAT BRITAIN—continued.						ESTIMATE to 31 March 1842, 365 Days.			ESTIMATE to 31 March 1841, 365 Days.				
OUT-PENSIONS of the British and Irish Regular Militia:						Nos.	AMOUNT.			Nos.	AMOUNT.		
Nos. of Men.	Each per diem.		Total per diem.				£.	s.	d.		£.	s.	d.
	s.	d.	£.	s.	d.								
134	-	4 ½	2	13	½								
1,012	-	5	21	1	8								
317	-	6	7	18	6								
131	-	8	4	7	4								
159	-	9	5	19	3								
256	-	10	10	13	4								
1	-	11	-	-	11								
1,661	-	1	83	1	-								
123	{at various rates from 1 s. to 2 s.}		9	16	½								
3,794	Total per diem		£. 145	11	1								
	Total per annum		53,127	5	5								
Deduct,—		£.		s.	d.								
Probable Amount of unclaimed Pensions and Savings by Casualties, after providing for new cases		1,900		-	-								
Poundage		2,660		-	-								
		4,560		-	-								
TOTALS—OUT-PENSIONS of the British and Irish Militia						3,794	48,567	5	5	4,014	51,537	15	2 ½
LOCAL MILITIA OF GREAT BRITAIN:													
Reduced Adjutants, each at 4 s. per diem						116	8,468	-	-	122	8,906	-	-
TOTALS—Allowances to Officers						116	8,468	-	-	122	8,906	-	-
OUT-PENSIONS:													
Nos. of Men.	Each p' diem.		Total p' diem.		Per annum.								
	s.	d.	£.	s.	d.								
12	-	5	-	5	-								
21	-	6	-	10	6								
27	-	8	-	18	-								
6	-	9	-	4	6								
26	-	10	-	1	1 8								
72	-	1	-	3	12 -								
1	-	1 10	-	1	10								
165			£. 6	13	6	2,436	7	6					
Deduct,—		£.		s.	d.								
Probable Amount of unclaimed Pensions and Savings by Casualties		100		-	-								
Poundage		100		-	-								
		200		-	-								
TOTALS—Out-Pensions of Local Militia						165	2,236	7	7	177	2,388	17	6
Allowances to Officers						116	8,468	-	-	122	8,906	-	-
TOTALS—Local Militia of GREAT BRITAIN						281	10,704	7	7	299	11,294	17	6
GREAT BRITAIN: GENERAL RECAPITULATION:													
Regular Militia: Staff and Allowances to Officers						1,429	70,834	8	2	1,457	72,006	-	8
Out-Pensions, including those of the Irish Regular Militia						3,749	48,567	5	5	4,014	51,537	15	2 ½
Local Militia: Allowances to Officers and Out-Pensions						281	10,704	7	7	299	11,294	17	6
TOTALS—REGULAR and LOCAL MILITIA of Great Britain, including the Out-Pensions of the Irish Regular Militia						5,459	130,106	1	2	5,770	134,838	13	4 ½

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—continued.

IRELAND.	ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
<b>STAFF.</b>		£. s. d.		£. s. d.
PAY of Adjutants - each at 8 s. - d. per diem	38	5,548 - -	38	5,548 - -
„ Serjeant Majors - 1 s. 10 d. „	38	1,271 8 4	38	1,271 8 4
„ Serjeants - - 1 s. 6 d. „	250	6,843 15 -	250	6,843 15 -
Lodging and Fuel for Serjeant-Majors and Serjeants - - - - - }	- -	1,096 4 6	- -	1,096 7 3½
Allowance for Medicines and Medical Attendance, 288 Non-commissioned Officers, each at 2 d. per week - - - - - }	- -	124 16 -	- -	124 16 -
On account of Clothing, and Compensation in lieu thereof - - - - - }	- -	600 - -	- -	270 - -
Contingent Allowance at 6 d. per annum for each Private on the Establishment, 18,525 Privates - - - - - }	- -	463 2 6	- -	463 2 6
Allowance for Agency, 285 Companies, each at 1 l. 5 s. per annum - - - - - }	- -	356 5 -	- -	356 5 -
<b>TOTALS for the Staff - - - -</b>	<b>326</b>	<b>16,303 11 4</b>	<b>326</b>	<b>15,973 14 1½</b>
<b>ALLOWANCES to SUBALTERNS and ASSISTANT SURGEONS disembodied at the Peace:</b>				
Lieutenants, each at 2 s. 6 d. per diem - -	229	10,448 2 6	238	10,858 15 -
Ensigns - - - - 2 s. - d. „ - - -	93	3,394 10 -	97	3,540 10 -
Assistant Surgeons 2 s. 6 d. „ - - -	13	593 2 6	14	638 15 -
<b>TOTALS—Allowances to Subalterns, &amp;c. -</b>	<b>335</b>	<b>14,435 15 -</b>	<b>349</b>	<b>15,038 - -</b>
<b>REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment:</b>				
In 1797: On the incorporation of the Drogheda with the Louth Militia—Adjutant at 6 s. per diem - - - - - }	1	109 10 -	1	109 10 -
In 1829: 2 Paymasters, at 2 s. p' diem, £.- 4 -				
1 „ - 2 s. 6 d. „ - 2 6				
1 „ - 4 s. „ - 4 -				
6 „ - 5 s. „ 1 10 -				
7 „ - 6 s. „ 2 2 -				
<b>17 Paymasters, at per diem - £. 4 2 6</b>	<b>17</b>	<b>1,505 12 6</b>	<b>17</b>	<b>1,505 12 6</b>
<b>Reduced Allowances carried forward -</b>	<b>18</b>	<b>1,615 2 6</b>	<b>18</b>	<b>1,615 2 6</b>

# 8 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

IRELAND— <i>continued.</i>	ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
Reduced Allowances to Officers— <i>continued.</i>				
		£. s. d.		£. s. d.
Brought forward - - -	18	1,615 2 6	18	1,615 2 6
In 1829: 1 Surgeon, at 3s. 6d. p' diem - 3 6				
6 „ - - 4s. „ 1 4 -				
3 „ - - 5s. „ - 15 -				
4 „ - - 6s. „ 1 4 -				
14 Surgeons, at per diem - £. 3 6 6	14	1,213 12 6	15	1,323 2 6
2 Q' Masters, at 2s. 6d. p' diem - 5 -				
3 „ - - 3s. „ - 9 -				
3 „ - - 3s. 6d. „ - 10 6				
1 „ - - 4s. „ - 4 -				
6 „ - - 5s. „ 1 10 -				
15 Q' Masters, at p' diem - £. 2 18 6	15	1,067 12 6	15	1,067 12 6
TOTALS—Officers on Reduction of Establishment	47	3,896 7 6	48	4,005 17 6
RETIRED ALLOWANCES to OFFICERS disabled by Age or Infirmary:				
Adjutants - - at 8s. per diem - -	8	1,168 - -	9	1,314 - -
Surgeon - - 6s. „ - -	2	219 - -	1	109 10 -
Quartermaster 5s. „ - -	1	91 5 -	1	91 5 -
TOTALS—Disabled Officers - -	11	1,478 5 -	11	1,514 15 -
RECAPITULATION FOR IRELAND.				
Staff - - - - -	326	16,303 11 4	326	15,973 14 1½
Allowances to 335 Subalterns - 14,435 15 -				
Ditto - to 47 Reduced Officers 3,896 7 6				
Ditto - to 11 Disabled - ditto 1,478 5 -				
393 Officers - £. 19,810 7 6				
Allowances to Officers - - - -	393	19,810 7 6	408	20,558 12 6
TOTALS - - IRELAND { Regular Militia, ex- clusive of Out-Pen- sioners - - }	719	36,113 18 10	734	36,532 6 7½
TOTALS, GREAT BRITAIN { Regular and Local Militia, including Out-Pensioners of the Irish Regular Militia - - }	5,459	130,106 1 2	5,770	134,838 13 4½
TOTALS for the DISEMBODIED MILITIA of GREAT BRITAIN and IRELAND - -	6,178	166,220 - -	6,504	171,371 - -

COMPARATIVE ABSTRACT of the MILITIA ESTIMATES for the Periods from 1 April 1840 to 31 March 1841, and from 1 April 1841 to 31 March 1842.

ESTIMATE to 31 March 1842, 365 Days.		ESTIMATE to 31 March 1841, 365 Days.		INCREASE 1841-42.		DECREASE 1841-42.		CAUSE OF INCREASE AND DECREASE.
Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	
GREAT BRITAIN:								
REGULAR MILITIA:								
STAFF	818	£. s. d. 36,079 17 10	818	£. s. d. 35,599 17 10	-	£. s. d. 480 - -	-	Biennial Clothing.
Subalterns liable to serve	449	20,084 2 6	469	20,978 7 6	-	-	20	894 5 -
Reduced Officers, the greater part liable to serve	113	8,757 7 10	118	9,259 5 4	-	-	6	501 17 6
Disabled Officers	50	5,913 - -	52	6,168 10 -	-	-	2	255 10 -
TOTALS for Staff, and Allowances to Officers	1,429	70,834 8 2	1,457	72,006 - 8	-	-	-	-
Out-Pensions of the Regular Militia of Great Britain and Ireland	3,749	48,567 5 5	4,014	51,537 15 2½	-	-	265	2,970 9 9½
TOTALS—Regular Militia	5,178	119,401 13 7	5,471	123,543 15 10½	-	-	-	Casualties.
LOCAL MILITIA:								
Allowances to Reduced Adjutants	116	8,468 - -	122	8,906 - -	-	-	6	438 - -
Out-Pensions	165	2,236 7 7	177	2,388 17 6	-	-	12	132 9 11
TOTALS, Local Militia	281	10,704 7 7	299	11,294 17 6	-	-	-	Casualties.
TOTALS, Regular Militia	5,178	119,401 13 7	5,471	123,543 15 10½	-	-	-	Casualties.
TOTALS for Great Britain	5,459	130,106 1 2	5,770	134,838 13 4½	-	-	-	-
IRELAND:								
REGULAR MILITIA:								
STAFF	326	16,303 11 4	326	15,973 14 1½	-	* 330 - -	-	* Biennial Clothing.
Subalterns liable to serve	335	14,435 15 -	349	15,038 - -	-	-	14	602 5 -
Reduced Officers, the greater part liable to serve	47	3,896 7 6	48	4,005 17 6	-	-	1	109 10 -
Disabled Officers	11	1,478 5 -	11	1,514 15 -	-	-	-	36 10 -
TOTALS, IRELAND, exclusive of Out-Pensions	719	36,113 18 10	734	36,532 6 7½	-	-	-	-
TOTALS, GREAT BRITAIN, including Out-Pensions for Ireland	5,459	130,106 1 2	5,770	134,838 13 4½	-	-	-	-
TOTALS, GREAT BRITAIN and IRELAND, to 31 March 1841	-	- - -	6,504	171,371 - -	-	-	-	-
TOTALS, GREAT BRITAIN and IRELAND, to 31 March 1842	6,178	166,220 - -	6,178	166,220 - -	-	810 - -	326	5,961 - -
DECREASE in the Year ending 31 March 1842	-	- - -	326	5,151 - -	-	-	326	5,151 - -

R E P O R T

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1842.



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Ordered, by The House of Commons, to be Printed,  
8 June 1841.

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386.

*Under 2 oz.*

**R E P O R T**

**FROM THE**

**SELECT COMMITTEE**

**ON THE**

**ACT FOR THE REGULATION OF**

**MILLS AND FACTORIES.**

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*Ordered, by The House of Commons, to be Printed,*  
*18 February 1841.*

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*Veneris, 29<sup>o</sup> die Januarii, 1841.*

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*Ordered, THAT* the Select Committee of last Session be re-appointed, for the purpose of considering and making their Report to The House :

Lord Ashley.  
Mr. John Fielden.  
Mr. Strutt.  
Mr. Hindley.  
Mr. Greg.  
Mr. Brotherton.  
Mr. Pakington.  
Mr. Baines.

Mr. Aglionby.  
Mr. Brocklehurst.  
Sir Edward Sugden.  
Mr. Shiel.  
Mr. Fox Maule.  
Sir George Strickland.  
Mr. Oswald.

*Ordered, THAT* the Committee have power to send for Persons, Papers and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

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PROCEEDINGS OF THE COMMITTEE.

*Martis, 2<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Greg.		Mr. Brocklehurst.
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Adjourned till Thursday, at Twelve o'clock.

*Jovis, 4<sup>o</sup> die Februarii, 1841.*

PRESENT :

Mr. Greg.		Hon. Fox Maule.
Lord Ashley.		Mr. Baines.
Sir George Strickland.		Mr. Brocklehurst.
Mr. Strutt.		Mr. Pakington.
Mr. Brotherton.		Mr. Oswald.

Lord Ashley called to the Chair.

Proposed Report (Chairman) considered.

Several Amendments made.

Question put,—

That the following paragraph stand part of the proposed Report,—

“On Section 2, whereby ‘Persons under 18 are not to work more than 12 hours a day;’ Your Committee observe that some difficulty lies in the way of the inspector, who would ascertain the precise age of a young worker alleged to be above the limited age of 18 years, and working more than 12 hours a day. To obviate this and other defects, as stated on the minutes, it is proposed, in accordance with the evidence, to raise the legal age under this section from 18 to 21 years.”

Ayes, 5.		Noes, 4.
Hon. Fox Maule.		Mr. Greg.
Mr. Brotherton.		Mr. Oswald.
Sir George Strickland.		Mr. Baines.
Mr. Pakington.		Mr. Brocklehurst.
Mr. Strutt.		

Amendment proposed (by Mr. Greg), page 4, to leave out,—

“Your Committee, concurring in the opinions of the inspectors and the operatives, would recommend that the powers given by the 4th Section be altogether taken away;” for the purpose of inserting: “Your Committee, referring in the evidence of the witnesses examined on the subject of making up lost time, are of opinion that great abuses have arisen under the 4th Section of the Act, and would urge upon The House that effectual means should be taken to put a stop to this evil.”

Question put,—

That the words proposed to be left out stand part of the proposed Report.

Ayes, 4.		Noes, 5.
Hon. Fox Maule.		Mr. Brocklehurst.
Mr. Brotherton.		Mr. Baines.
Sir George Strickland.		Mr. Strutt.
Mr. Pakington.		Mr. Greg.
		Mr. Oswald.

Amendment agreed to.

Several other Amendments made.

PROCEEDINGS OF THE COMMITTEE— *continued.*

Amendment proposed (by Mr. Fox Maule) page 5, to leave out,—

“ Your Committee have taken, on this subject, the same view as the inspectors, and would recommend that in no case where steam-power and water-power are combined, should it be allowable to recover any lost time by any addition to the hours of working ;” and to insert : “ Your Committee, with their attention thus drawn to the fact that a combination of steam and water power exists in many mills, and that the recovery of lost time is a matter of greater intricacy, and therefore more liable to abuse in those than in other cases, would, in bringing the whole subject of working up lost time before The House, strongly recommend this part of it to its serious consideration.”

Amendment agreed to.

Adjourned till To-morrow, at One o'clock.

*Veneris, 5<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Hon. Fox Maule.  
Mr. Brotherton.  
Mr. Brocklehurst.  
Mr. Aglionby.  
Sir George Strickland.

Mr. Pakington.  
Mr. Strutt.  
Mr. Greg.  
Mr. Oswald.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Monday, at One o'clock.

*Lunæ, 8<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Fox Maule.  
Mr. Brotherton.  
Mr. Hindley.  
Mr. Strutt.  
Mr. Greg.

Mr. Brocklehurst.  
Mr. Fielden.  
Sir George Strickland.  
Mr. Pakington.  
Mr. Oswald.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Wednesday, at One o'clock.

*Jovis, 11<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Pakington.  
Mr. Greg.  
Mr. Fielden.  
Mr. Oswald.  
Mr. Brotherton.  
Mr. Strutt.

Mr. Hindley.  
Mr. Brocklehurst.  
Mr. Aglionby.  
Mr. Fox Maule.  
Sir George Strickland.

Proposed Report further considered.

Several other Amendments made.

[Adjourned till Tuesday, at One o'clock.

*Mercurii,*

PROCEEDINGS OF THE COMMITTEE—*continued.**Mercurii, 17<sup>o</sup> die Februarii, 1841.*

## PRESENT:

Lord ASHLEY in the Chair.

Mr. Strutt.  
Mr. Fox Maule.  
Mr. Fielden.  
Mr. Pakington.

Sir George Strickland.  
Mr. Brotherton.  
Mr. Aglionby.  
Mr. Hindley.

The Committee proceeded to consider the subject so far as regards Silk and Lace Mills.

Motion made (by Mr. Fox Maule) to insert in the proposed Report,—

“ Your Committee, in deliberating on the measures which, in their opinion, ought to be adopted in reference to silk-mills, see no reason why those in which the process of spinning waste silk is carried on should not be placed under the same regulations as cotton, woollen and worsted mills, and they recommend that such a course should be adopted.

“ But they cannot arrive at the same conclusion with respect to silk-mills, in which the process is confined to ‘ winding and throwing silk,’ and in which so many children are absolutely requisite, that it would be extremely difficult to introduce the same regulations which have been recommended for adoption in the case of cotton and other mills previously adverted to in this Report.

“ Your Committee therefore recommend, that for this branch of the subject a separate legislative measure should be introduced.”

Question,—That these words be inserted in the proposed Report,—put and agreed to.

Motion made (by Mr. Strutt) to insert,—

“ Lastly, Your Committee have received evidence as to the propriety of including lace-mills within the general provisions of the Act. It appears that, whilst some of these mills are well managed and under excellent regulations, in others a system prevails which is calculated to be injurious to the health of the children, not so much in consequence of their being overworked as from their being detained in the mills for long periods and during improper hours. Your Committee regret that, in consequence of the necessity which there appeared for their closing the inquiry at the end of last Session, the evidence which they have been able to take on this subject is very limited and imperfect. Important information has been given by the inspectors; but, those gentlemen not having lace-mills under their supervision, their evidence is necessarily less valuable on this subject than with respect to the other branches of the inquiry; and, with the exception of the inspectors, only one other witness (a gentleman engaged in the trade) has been examined. Your Committee feel the more strongly the necessity for some further inquiry, in consequence of the great difference which appears to exist in the systems pursued in lace-mills in different parts of the country, and also in consequence of the peculiar difficulties attending the application of the Factory Act to this trade, which have been already acknowledged by the Legislature. It will be in the recollection of The House that lace-mills were omitted from the provisions of the Factory Act, chiefly on account of the competition existing between hand-machines, which are employed in the manufacture of lace, and the machines which are worked by power. In conformity with the principle adopted in that Act, power-machines could alone have been subjected to its operation, whilst it appears that the labour of persons employed on the hand-machines is much more severe, and that abuses are more prevalent in that branch of the trade. Having regard to these circumstances, and considering also that a power-machine is very easily convertible into a hand-machine, Your Committee are of opinion that the Legislature exercised a sound discretion in declining to impose restrictions exclusively on one branch of the trade, whereby they might probably have increased the abuses which they sought to remedy. The question remains, how far it may be expedient to bring the whole trade, including the hand-machines, under the operation of the law; but Your Committee believe that, if they were to make such a recommendation, not only would the present regulations of the Factory Act be found inapplicable to hand-machines, which are scattered through small workshops and private houses, but also that they should be exceeding their province in proposing the abandonment of the important principle which has hitherto restricted Factory legislation to mills worked by power, and would be entering on the extensive question of the propriety of a *general* restriction on the labour of children. Your Committee are therefore unable to make any recommendation with respect to this branch of their inquiry, but they feel the less regret in stating their inability to do so, inasmuch as they have reason to hope that valuable evidence will be

collected on the subject by the Commission of Inquiry which has been appointed at the suggestion of their Chairman, and which they understand is now engaged in examining the condition of children employed in trades not subject to the provisions of the Factory Act."

Question,—That these words be inserted in the proposed Report,—put and negatived.

Adjourned till To-morrow, at One o'clock.

*Jovis, 18<sup>o</sup> die Februarii, 1841.*

PRESENT :

Lord ASHLEY in the Chair.

Mr. Fielden.  
Mr. Brotherton.  
Mr. Strutt.

Mr. Hindley.  
Sir George Strickland.  
Mr. Aglionby.

Motion made,—

That the Report as amended be agreed to, and that the Chairman do report the same to The House.

Amendment proposed (by Mr. Fielden) to insert in the proposed Report,—

"That all mill-occupiers, desirous of working their hands without certificates of age, and agreeing to take upon themselves the responsibility of observance of the Act, be at liberty to do so on giving notice of such intention to the inspector or sub-inspector of the district in which his mill is situate ; the burden of proof, in such case, resting upon the mill-owners."

But the Chairman having taken an objection on a point of form, that the re-opening of the question of certificates would be contrary to the understanding of the Committee at the commencement of their proceedings, the motion was put, and on that ground negatived.

Question,—

That the Report, as amended, be agreed to, and that the Chairman do report the same to The House,—put and agreed to.

## R E P O R T.

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**THE SELECT COMMITTEE** appointed to inquire into the Operation of the Act for the **REGULATION** of **MILLS** and **FACTORIES**; and who were empowered to report their **Observations** and **Opinion**, together with the **MINUTES OF EVIDENCE** taken before them from time to time, to **The House**:—**HAVE** considered the **Matters** to them referred; and have agreed to the following **REPORT**:—

**T**HE Act of Parliament of the 3d & 4th of Will. 4, intituled, “An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom,” which was submitted to the investigation of Your Committee, appointed on the 3d day of March 1840, has been minutely and patiently examined. Your Committee have taken the evidence of persons who, by office or interest, were most likely to have watched, and to understand the operation of the Act; they called before them the inspectors and superintendents, mill-owners and workpeople, obtained from them the results of their experience; and they now report their proceedings and observations to the notice of The House.

In stating the conclusions at which they have arrived, Your Committee will scrupulously confine themselves to those points of inquiry that were specially referred for their scrutiny and opinion. They were limited to an ascertainment of the operation of the Act, of its defects, and of the probable remedies, whereby the intentions of the Legislature, and the true spirit of the law itself, might be more effectually carried out. It was not a new law that was required by The House, but the fulfilment of the intention of the existing law.

Although the experience of seven years has developed various defects in the operation of the Act, Your Committee must congratulate The House and the Country on the partial success of their efforts for the removal of many evils, which, down to the year 1833, had accompanied the employment of children and young persons in factories; much, unquestionably, yet remains to be done; the actual condition, nevertheless, of these young workers, contrasted with the state in which the first inquiry found them, is such as to give Your Committee considerable satisfaction for the past, and good hope for the future.

Your Committee now propose to state in succession the several Sections of the Act, to show wherein they have been found defective, and to suggest the remedies which have occurred to them.

On Section 1, whereby “Persons under 18 years of age are not allowed to work at night in the mills or factories therein described,” Your Committee have to observe, that although the practice of night-work, which had prevailed in various parts of the country, has been much abated by the operation of the Act,<sup>a</sup> they would suggest a further check against the recurrence of such abuses as those stated by Mr. Howell,<sup>b</sup> in his report on the Greenfield cotton mill, by raising

the age below which night-work is prohibited from 18 to 21 years. No objection has been urged to this amendment; it has, on the contrary, been accepted by the witnesses<sup>a</sup> generally. In reference to another evil, viz. working more than 12 hours a day (especially in the rural districts), by the abuse<sup>b</sup> of the latitude afforded by the wide limits of the present factory day (extending, as it does, over a range of 15 hours), Your Committee propose that it be reduced to 14 hours; they recommend, also, that the commencement of the day should be fixed at six o'clock in the morning, and the close of it at eight in the evening. Your Committee have good grounds for believing that such an arrangement would be generally satisfactory.

On Section 2, whereby "Persons under 18 are not to work more than 12 hours a day," Your Committee observe that great difficulty<sup>c</sup> lies in the way of the inspector, who would ascertain the precise age of a young worker alleged to be above the limited age of 18 years,<sup>d</sup> and working more than 12 hours a day. To remove this and other defects, stated by the witnesses, it is proposed, in accordance<sup>e</sup> with the evidence, to raise the legal age under this Clause from 18 to 21 years.

The 3d Section permits the "extension of the hours of working in certain cases," which occur in consequence of the want of a due supply or of an excess of water, or by reason of its being impounded in higher reservoirs. Your Committee are not prepared to recommend any alteration in this enactment, but they wish to impress upon The House, in the language of one of their witnesses, that "wherever<sup>f</sup> there is the power of making up lost time, it ought to be guarded by every possible check<sup>g</sup>; it is so easy to evade, and so difficult to detect any evasion, that every possible check that can be devised to prevent dishonest working ought to be introduced."

The 4th Section "provides for time unavoidably lost in cases of accident," and gives permission that, whenever any thing shall happen to the machinery of the mill, whereby not less than three hours' labour at any one time shall be lost, such time may be worked up, under certain restrictions. It was urged before Your Committee, that, experience having proved the facility and frequency of abuse<sup>h</sup> of this power, it ought to be taken away by any amended Bill. "It is a Section," says one inspector,<sup>h</sup> "which, I believe, has been productive of the grossest violations of the law, without the possibility of our checking it." Any accident, however minute, to any part of the mill-gear, has been held sufficient to justify the making up of lost time at some other more convenient period. "A shaft<sup>i</sup> broken," says the same witness, "or an escape of gas, or any small accident that may have occurred at a period some months before our visit; it has been done in the most loose way." He is asked whether "it would<sup>k</sup> not be rather oppressive upon the work-people, if no possible accident, under any circumstances, should be allowed to be worked up?" He replied, "I conceive hardship may arise in particular cases, but I think the balance is decidedly in favour of there being no possibility of working up lost time." He is again asked,<sup>l</sup> "Do you find that, in consequence of the nature of those exceptions, it is particularly difficult to detect any evasions that are practised?—I should think it utterly impossible; we find that the people have been working, at a certain time, 13 hours a day; we ask, 'Why?' He says, 'Oh, the shaft broke.' It is impossible for us to say the shaft did not break, or that it was not broken, or a screw taken out on purpose." "You find that, generally speaking, in those cases you have nothing to resort to but the declaration of the interested mill-owner?—No."

Another inspector is asked, "With<sup>m</sup> respect to the 3d, 4th and 5th Sections, which all relate to the same subject, what is your opinion upon the operation of those

<sup>a</sup> 1209. 2064. 2065.  
2413. 2674. 2676.  
4027. 4353. 8385.  
<sup>b</sup> 1211. 1714. 2194.  
2197. 2199. 2200.  
2066. 2067. 2527.  
2531. 3239. 8510.  
8051. 8057.

<sup>c</sup> 83. 84. 85. 117.  
121. 129.

<sup>d</sup> 2929. 1218. 1221.  
1243.

<sup>e</sup> 1222. 1239. 1247.  
1251-1253. 2064.  
2065. 2413. 2674.  
2676. 3174. 3175.  
8385.

<sup>f</sup> 233.

<sup>g</sup> 53. 54. 55. 1254.

<sup>h</sup> 230.

<sup>i</sup> 234.

<sup>k</sup> 239.

<sup>l</sup> 241, 242.

<sup>m</sup> 2203-2205.

those Sections ; has it been found that the power given by those Sections of making up lost time has been a fertile source of abuse?" He replied, "I think the 5th has." He is again asked, "Do you not say the same with respect to the 4th?—The power under the 4th is very small ; but I should say the same, as far as it goes. I can give an instance of the 4th, to illustrate what I mean. I found, at a cotton mill, that the people had been working over time ; I inquired the reason, and I was told that they were fetching up lost time. It was entered, on a particular day, so many hours lost, in virtue of the 4th section, and in consequence of an extraordinary accident. On questioning the hands, I said, 'You lost so much time on such a day?—Yes, sir.' 'What was the cause?—There was a dinner to Mr. O'Connell, and we had a holiday.' And therefore the fracture to the steam-engine was coincident with the holiday, and the gentleman who owned that mill had the credit of giving a holiday, and at the same time recovered the time afterwards, by virtue of the 4th section."

Another witness, an operative, is asked, "Have<sup>a</sup> you any information as to the feelings of the working-people in regard to the Clause which permits working to make up lost time?—That is the source of grievance to a vast number, both of children and adults ; I have heard them frequently say, when lost time is allowed to be worked up, that they would rather lose their wages for the time that was lost than make it up ; for, after having worked 12 hours, if they have to make it 12½ or 13, it exhausts their strength much. They have expressed themselves strongly on that point, that they would rather lose their wages than work the time up."

<sup>a</sup> 8523.

On the other side, a gentleman of experience, and having a large mill property, is examined: "With<sup>b</sup> respect to Clause 4, of making up time lost by accident, Mr. Horner proposes in his suggestions to do away with that liberty ; have you any remarks to make upon that?—I think it is necessary that, where accidents occur to the steam-engine, water-wheel, main-gearing, or gas apparatus, the time which may be so unavoidably lost should be worked up at the rate of one hour per day. But I perceive here that the Act says, with reference to lost time, 'by which not less than three hours' labour at any one time shall be lost.' Now, unless you lose three hours, you cannot recover one the next day ; and I think it would be better if these words in any other Act were struck out—I mean the words 'by which not less than three hours' labour at any one time shall be lost.'" "Mr. Horner's recommendation is to do away with the power of making up lost time altogether, arising from accidents of machinery ; what is your opinion upon that?—That is a hardship ; why should any man who has his property embarked in machinery be deterred from using it honestly and fairly?" "Do not you think it makes it more difficult for the inspector to detect an infraction of the law?—I do not see the difficulty, unless he supposes the mill-owner dishonest, because the mill-owner is compelled to keep a register of the time that he works ; and unless he makes a false entry, there is no difficulty ; when we lose time, we always enter it ; and when we gain it up, we put down the hour or half-hour by which we gain it day by day, till the balance is struck."

<sup>b</sup> 4034-4036.

Another gentleman, a mill-owner, is also asked, "Do<sup>c</sup> you agree in the propriety of refusing the liberty of making up lost time in case of accident?—No, I do not ; I think it would be a case of hardship to the work-people ; if we are not allowed to work up lost time, they will feel the inconvenience more than we shall, in loss of wages, because they are paid by the quantity of work they do." "Do you think that it makes it more difficult to ascertain if there is any infraction of the law in consequence of that permission being given?—I do not see that there can be any difficulty in finding out an infraction of the law if the superintendent takes care to see that the books required by the Act are regularly kept ;

<sup>c</sup> 4355, 4356.



he has the power of seeing that certain books are regularly kept, and he has the power of examining any of the people that he likes."

Your Committee, referring to the evidence of the witnesses examined on the subject of making up lost time arising from accidents to the machinery, &c., are of opinion that great abuses have arisen under the 4th Section of the Act, and would urge upon The House that effectual means should be taken to put a stop to this evil.

In reference to those mills that are worked by steam and water-power conjointly, it has been stated by the inspectors, that they would not recommend any permission of making up lost time, "because I think," says one inspector,<sup>a</sup> "there is great room for evasion." "It has been found," he continues,<sup>b</sup> "that where a mill possessed both a steam-engine and water-power, they had the means of so contriving matters, that they, in fact, lost no time." On a subsequent day, he adds,<sup>c</sup> "I stated, as my opinion,<sup>c</sup> that the power of making up lost time should be confined to mills wholly moved by water, because, when they have a steam-engine besides, frauds may be committed that are extremely difficult of detection or proof. The frauds may be of the following nature: there may be such a stoppage of the water-wheel as may affect only a part of the machinery; the steam-engine is brought immediately in aid, and no time is really lost; but it is set down in the book, and truly, that the water-wheel was stopped from want or excess of water, and upon that not only is the time of work extended for the machinery driven by the water-power, but the whole mill is worked over time. If that power is given to a mill having both steam and water, a mill-owner, with a large steam-engine and a very small water-wheel, might work over time upon every occasion when the water-wheel was interrupted."

<sup>a</sup> 246.

<sup>b</sup> 271.

<sup>c</sup> 404. See also 1254.

<sup>d</sup> 2205.

Another inspector stated in evidence, "the<sup>d</sup> 5th section is one which has given me a monstrous deal of trouble in part of my district, in which water-power alone is used; I have almost on every occasion found them working at night, under the plea of the 5th section. They have always either too much or too little water. The real key to that proceeding I believe to be this, that those mills are overladen with machinery; for example, that the power is equal to 10 horse, and that the machinery would require 20; then the owner of the mill works half the mill in the day, and the other half is idle in the day, and is worked during the night and great part of the following day, to recover the lost time on the first day; for example, suppose the first day is Monday, then he works the whole of Monday night, and a great part of Tuesday; then Tuesday night is resumed by the man who did not work on Tuesday, and who works Tuesday night and a great part of Wednesday; then Wednesday night is taken up by the others, and so on."

<sup>e</sup> 4028. 4033.

On the other hand, it is remarked by one of the mill-owners, whose evidence has just been quoted, in reply to the question, "You<sup>e</sup> observe Mr. Horner's observations upon Clause 3, which enables you to make up for lost time in water-mills; he proposes, where there is a steam-engine in connexion with water-power, that the operation of this Clause in making up lost time shall be withdrawn; that such mills shall not be allowed to make up lost time. What is your opinion of that?—I think it would be a great hardship on the owner of that kind of property." "Do you think it would materially reduce the value of the horse-power which is now employed in those mills?—Yes; it would largely encroach upon the value of that property, and upon the regularity of the wages arising to the work-people." "Do you think it makes any material difference whether there is a steam-engine in connexion with that water-power, or whether there is not?—Where water-power is employed, and that water is not regular, the mill-owner is very often perplexed to find out the exact point of power which it is requisite for him

him to provide by steam, on account of the fluctuations in the seasons. In four years out of five, perhaps, if he wanted a 30-horse power he might have enough ; but a period might arise when he wanted 50-horse power, and he is then liable to great inconvenience, from the engine and water-power together being unable to propel his mill ; and if he was cut off from working for lost time, both himself and his hands would suffer thereby." "Is not the cost of coal generally very high when water-power is used ?—Generally it is." "Then the mill-owners will calculate as nearly as they can what the least power of the steam-engine, and the least consumption of coal, will enable them to make up the time lost?—Yes ; they will calculate with great nicety how much steam-power will enable them to make up the deficiency ; they sometimes under calculate it ; and from the circumstance of mills requiring, from time to time, an increase of power, by reason of increased speed of machinery, and other causes, they often fall short, even after they have made that provision."

Your Committee, with their attention thus drawn to the fact that a combination of steam and water power exists in many mills, and that the recovery of lost time is a matter of greater intricacy, and therefore more liable to abuse in those than in other cases, would, in bringing the whole subject of working up lost time before The House, strongly recommend this part of it to its serious consideration.

The 6th Section, which assigns the "time for meals," is so imperfectly expressed, that "we have no power," says an inspector, "to regulate<sup>a</sup> with regard to children : I conceive it is possible, under the law as it stands, that children might be worked eight hours continuously, without giving any time for meals at all ; but such a thing, I believe, never occurred ; I am merely speaking of a possibility."

<sup>a</sup> 289.

Another inspector<sup>b</sup> remarks that, notwithstanding the opinion of the law officers of the Crown, "it is doubtful whether the Section extends to them or not." The children are oftentimes detained during meal-times to clean the machinery, but no prosecution is sustainable unless it can be shown that, by such means, their work has been prolonged beyond eight hours.

<sup>b</sup> 2221.

The operatives complain<sup>c</sup> that the full hour and a half is not given for meals as is required by law. "Do you<sup>d</sup> mean to say," a witness is asked, "that the mills, all or most of them, commence working before breakfast or dinner, before they ought to commence?—Yes," he replies. "State<sup>e</sup> the fact?—The fact is, they generally infringe five minutes, sometimes six or seven ; but, on a general scale, not less than five minutes at breakfast and at dinner." "At what time is the door closed ?—The doors are kept open the half hour certainly, but the engine starts before the expiration of the half hour, and when the engine starts, the people are expected to start with it."

<sup>c</sup> 8535.

<sup>d</sup> 8536. 8554.

<sup>e</sup> 8537, 8538.

Your Committee, in reference to this testimony, recommend that the 6th Section be made applicable to children as well as young persons ; that the parties so protected by the law be not allowed to renew their work before the expiration of the whole period allotted for meals ; that the "first meal<sup>f</sup> be not earlier than half-past seven in the morning, and the latest not after half-past seven in the evening ; and that one hour, at least, should be given between eleven and three o'clock." They recommend also that, "during<sup>g</sup> the hour and a half set apart for meals, no child or young person should be allowed to remain in any room in which any machinery is in motion, or any manufacturing process going on," and that, "to prevent evasions of the law by the pretended employment of young persons by relays, all young persons between 13 and 21 should be required to have their meals at one and the same<sup>h</sup> time."

<sup>f</sup> 1264.

<sup>g</sup> 1266.

<sup>h</sup> 1268.

The 7th Section "prohibits the employment of children under nine years of age." Of the violation of this Section there have been instances, but they are not numerous ;<sup>i</sup> there is, however, "very great disposition on the part of parents to

<sup>i</sup> 406, 407, 408.

encourage the working of their children under the prescribed<sup>a</sup> ages." All parties<sup>b</sup> concur in the expediency of retaining this age as the period of admission to labour in a factory; the gentlemen connected with silk mills<sup>c</sup> entertain the same opinion. Those who have suggested an abatement of the age, have done so on the supposition of a reduction in the number of hours of work for children below that fixed by the present law.<sup>d</sup>

The 8th Section declares, that the "employment of children under 13 years of age for more than nine hours a day, or 48 in any one week, is prohibited." The provisions of this Section are frequently and grossly violated,<sup>e</sup> no less in the larger than in the smaller establishments.<sup>f</sup> The number of convictions recorded in the periodical reports of the inspectors give no just estimate of the number of breaches of the law, inasmuch as a prosecution for overworking 100 children on any one day would expose the offender to no more than a single penalty,<sup>g</sup> which might be 20s., or less, at the discretion of the magistrate. Remedial measures are loudly demanded for the better accomplishment of this Section, not only on behalf of the Act itself, the continued neglect of which "would be a reproach to the Legislature of the country,"<sup>h</sup> but also on behalf of honest and conscientious<sup>i</sup> mill-owners, who are most desirous to fulfil the intentions of the law. The children may be employed eight hours a day, and these eight may be taken at any time of the 15 hours between half-past five in the morning and half-past eight at night, and practically they are now employed at all hours within those limits; and they are, in a great proportion of instances, either in or about the factory the whole day, thus affording many opportunities for their being employed illegally. It appears to be the decided opinion of inspectors, superintendents, mill-owners and operatives, that no measure would be so effective to secure the moderate labour and the opportunities of education intended by the law, as the restriction of the employment of all children under 13 years of age to half the working day, divided by the general dinner-hour of the factory. In this opinion Your Committee agree. Their average work would not in that case be more than six hours a day; but great practical inconvenience would be felt if the children were restricted to the precise number of six hours, because the dinner-hour does not always divide the day into two equal parts. If the mill starts at half-past five, and stops for dinner at 12 o'clock, half an hour being allowed for breakfast, the working day of 12 hours is equally divided; but if the dinner-hour be one o'clock, the morning set of children must work seven hours, and the afternoon set five. By changing the two sets from morning to afternoon work, and from afternoon to morning, once a month, the advantages and disadvantages of each are equalized. But this is an arrangement which may safely be left to be settled between the parents of the children and the mill-owner, for it may sometimes be better not to change, if the youngest children are employed in the afternoon, and are not required to rise so early in the morning.

Your Committee, therefore, recommend the following limitations in the hours of work of all children under 13 years of age:—

1. That they shall not be employed more than seven hours in any one day, nor more than 42 hours in any one week.
2. That they may be employed either before the commencement of the time allowed for the dinner of the workers in the factory, between 13 and 21 years of age, or after the expiration of that time; but that no child who shall have been employed at all before the general dinner-hour commences shall be employed after the said dinner-hour on the same day.

(Were the children allowed to work partly before and partly after dinner, it is probable that evasions of the law might be extensively practised, and almost with impunity,

impunity, from the difficulty of detection and of obtaining evidence sufficient to get a conviction.)

The advantages of this limitation have been stated by the witnesses to be great in several respects, and they may be briefly enumerated as follows :—

1. The children who work in the morning are set free about noon, and have the rest of the day for education and play ; and those who work in the afternoon need not rise very early, and have had their schooling, recreation and dinner before they begin their work.

2. Those who work in the afternoon may always go clean and tidy to the morning school, and those who work in the morning, not having to return to the factory, may be washed and made tidy to go to the afternoon school after they have had their dinner.

The objection which is often made at present to receiving factory children on account of their dirty clothes would cease, and the children would not then feel any difference, as between themselves and the rest of the school.

3. The National Schools, and the British and Foreign School Society's schools would be available, which they are not at present in a great many instances, because they are not open before nine in the morning nor after five in the afternoon, when children who work eight hours are often sent out of the factory to go to school. Other schools of a respectable kind would also be available for the same reason, and thus the mockery of education, now so common in order to keep within the letter of the law, would be done away with.

Your Committee have learned that the National Society have already taken measures for establishing schools in the neighbourhood of the factories in some places, and they would probably do still more if the factory children were enabled, by such a limitation of their hours of work, to attend their schools ; and with such a prospect of doing good, the British and Foreign School Society would doubtless follow their example.

4. As regards the mill-owners, even when sensible of the advantages of this plan, they are unable to adopt it, because some of their neighbours, by working the children eight hours, give somewhat higher wages, and draw the children away, the parents always sending them where they can make most money by them. The law ought, therefore, to place all on the same footing. The record of the hours the children work could be made very short and simple. The trouble of the overlookers, which is great when the children have to be sent out at various times of the day, would be greatly diminished, and the mill-owners would be much more secure against infractions of the law by their operatives who employ the children.

5. The wilful evasion of the law would be rendered much more easy of detection, and the chances of the children being illegally employed, either from negligence or inattention, would be reduced to a very small amount.

Finally. The condition of factory children would, by such diminution of labour, opportunities of healthful exercise and of education, be so much improved, that the character of factory labour would be raised. On the other hand, it must not be denied that, where the supply of children is limited, some inconvenience may arise to mill-owners most anxious to comply with the law.

Power might be given to make exceptions in such cases for a limited period, in no case, however, exceeding two years. These exceptions should only be made after

after the most minute inquiry, and have the most solemn confirmation and the most extensive publicity, and only in such cases where a good school is established on the premises.

<sup>a</sup> 370.

<sup>b</sup> 371-383. 8524.

Although the 9th Section, which prescribes the observance of Christmas-day and Good Friday as holidays, has, upon the whole, been fairly obeyed,<sup>a</sup> they have not unfrequently, through the imperfect wording of the Act, been treated as working days. The uncertainty lies in the use of the word "entitled," which has been interpreted to mean, that the observance depends on<sup>b</sup> the choice of the young operatives.

This is open to very great abuse; and Your Committee therefore recommend that the observance of those days, as well as the days to be substituted for them in Scotland, be made imperative.

<sup>c</sup> 565-571. 4055. 4058.

On the 10th Section, which permits that a child may be employed in more than one mill on the same day, Your Committee recommend that the power of so doing be withheld in any future Bill. Although the Act has not, to the knowledge of the inspectors, been abused in this particular, they think the possibility sufficiently great to justify the abolition of it.<sup>c</sup>

The 11th, 12th, 13th and 14th Sections impose the necessity of certificates, previously to employment, for all children under 13 years of age, and young persons under 18, assign the authority by which they are to be granted, and describe, for the younger age, the form of the document. As the non-observance of the spirit and letter of these sections is the main source of the violation, of the 8th Section while they impede its efficacy, any remedy which may be applied to the defects of these Sections will be equally applicable to those of the 8th.

<sup>d</sup> 2692, 2693.

<sup>e</sup> 8330-8346.

<sup>f</sup> 8329.

<sup>g</sup> 427.

<sup>h</sup> 627-630. 2607. 3193.

<sup>i</sup> 4238.

<sup>j</sup> 1060-1065. 2603.

<sup>k</sup> 3197. 4994. 8883.

There is no obstacle so great in the whole range of factory legislation as that which is presented by the intricacies in the way of ascertaining correctly the ages of children; the baptismal register can render but slight<sup>d</sup> service, as in some cases the children have not been baptized at<sup>e</sup> all, and in many more it is difficult to procure copies of the register for those who come from Ireland<sup>f</sup>. It would, undoubtedly, furnish the best guide, could it be obtained in a trustworthy shape; but not only is there the uncertainty whether the document relates to the individual child,<sup>g</sup> but the inspectors, moreover, must be on their guard against the forgeries and falsehoods of the parents themselves.<sup>h</sup> Indeed, so great is the eagerness of parents to obtain full employment for the children,<sup>i</sup> that their statements must be regarded as utterly worthless; nor are the statements of the children more to be depended on. "I have regretted to observe," says an inspector, "the very prevalent habit of falsehood in which the factory children are trained; 'going 14,' or 'passed 13,' is the ready answer they have been taught to give; and instances have occurred in which, on the hearing of a prosecution, children have been tutored to make, on oath, statements as to their hours of work, or other facts, completely at variance with the statements previously given by them."<sup>k</sup> There remains, then, the physiological test alone, whereby a medical man may judge, from personal inspection, the age and capacity of the child for full labour.

<sup>l</sup> 2230.

This, again, must be subjected to a threefold abatement; first, from the ignorance<sup>l</sup> of some who set up for surgical practitioners; secondly, the dishonesty<sup>m</sup> or negligence of others; and thirdly, from the defective state of science itself in this particular.

<sup>n</sup> 619. 621-623. 542.

<sup>o</sup> 552. 553. 1724. 1047.

<sup>p</sup> 2930. 2935. 4149.

<sup>q</sup> 4150. 2314. 8300.

<sup>r</sup> 8366. 8883.

<sup>s</sup> 562.

Although by the arrangements of the inspectors the system of certificates has of late been somewhat improved,<sup>n</sup> Your Committee are of opinion that additional amendments are still necessary; the arrangements are conventional, and may be reversed any day. Your Committee recommend, therefore, that larger powers in this respect,

respect, by statute be confided to those officers whose duty it is to watch over the operation of the law to regulate the mills and factories. One witness<sup>a</sup> only has objected to such a proposition; he spoke, however, generally, and assigned no reasons.

<sup>a</sup> 4137.

They recommend, first, that medical certificates should be granted only by surgeons specially appointed for that purpose by the inspector of the district.<sup>b</sup> Experience has shown that such an enactment would obviate many mischiefs.<sup>c</sup> They suggest, moreover, that to provide to the mill-owner and the work-people a protection against an unjust or capricious use of his or their power by the appointed surgeon or surgeons, it should be allowable, after refusal by such surgeon or surgeons to grant a certificate, for another surgeon, being a regular practitioner, but not appointed by the inspector, to grant a certificate, but such last certificate should not be valid unless it were countersigned by a magistrate, who should attest that the child had appeared before him.<sup>d</sup> This last provision is essentially necessary, to prevent the recurrence of the loose and negligent manner in which the terms of the 12th Section of the existing Act have been hitherto complied with. "I do not suppose," says the inspector,<sup>e</sup> "that in one case in a hundred the magistrate ever sees the child; I may state, what is a very common practice, that periodically the certificate-book, containing perhaps a hundred certificates, is sent up to the petty sessions, and the magistrate, as fast as he can sign, puts his name, without asking any questions<sup>f</sup> whatever." Your Committee recommend that the counter-signature of the magistrate be no longer required, except in the special case just before mentioned.

<sup>b</sup> 1339.

<sup>c</sup> 2923, 2927, 2930.  
3180-3183, 3207-  
3210, 4059-4062.  
4454.

<sup>d</sup> 1339.

<sup>e</sup> 602.

<sup>f</sup> 603-605.

The mode and amount of the remuneration to the certificating surgeons should be fixed by the Act,<sup>g</sup> due regard being had to the distance he travels, and the time he occupies in discharge of his business. Your Committee can devise no other source than the present; they suggest, nevertheless, that the cost of the certificate should be borne partly by the worker and partly by the mill-owner,<sup>h</sup> and that in no case should the burden to the workers exceed three-pence.

<sup>g</sup> 1361.

<sup>h</sup> 1354, 1356, 8 20.

The certificate of the appointed surgeon should be granted "at the factory only, unless with special leave, for a special case, given by the inspector or sub-inspector."<sup>i</sup>

<sup>i</sup> 1357.

The language, also, in which the certificates are drawn must be more definite and exact. It is hardly necessary that Your Committee should enter into an historical narration of the various defects that from time to time have been developed, of the references to the law officers, and the consequent changes. It may suffice to say, that every day's experience proves the necessity of legislative interference, and that the certificates, instead of being a protection to the children, are, in many instances, a cover to overworking<sup>k</sup> them, because, unless the child be obviously<sup>l</sup> and palpably under the age required by law, the inspector cannot<sup>m</sup> interfere; the certificate protects the mill-owners, though they may know that these certificates "are improperly given."<sup>n</sup>

<sup>k</sup> 574, 2230, 2245-  
2696.  
1 740, 741.

<sup>m</sup> 2883, 2890, 2891.

<sup>n</sup> 2380.

By the present law, though two certificates are required, one for those who are at, or above 9, and below 13, another for those who are at or above 13, and below 18, a form is prescribed by the Act for the minor age only. Your Committee suggest that the same form *mutatis mutandis* should be observed for both certificates; that it should in both cases be a "certificate containing a declaration on the part of the surgeon of his belief that the real age of the child or young person is that which he certifies."<sup>o</sup>

<sup>o</sup> 1351.

They suggest, besides, that the inspectors and sub-inspectors should have the power of cancelling any certificates that may appear to them to have been granted improperly; but that until so cancelled the certificate shall be held to be a pro-

\* 1343. 1345.

tection to the mill-owner :<sup>a</sup> the certificate should likewise have reference to the physical capability of the child for labour.

b 2256-2258.

On the 15th Section, one inspector gives evidence as follows : "Have<sup>b</sup> you any other remark to make upon the operation of these Clauses?—No, except that the 15th section seems to introduce so much confusion as to make the law irreconcilable with itself. By the 14th, you are required to have a certificate, to prove that the child is above 13, and then the 15th says that you need not have it, if the child is really above 13. One construction of that would be, that it is wanted for those that are not above 13. The 15th says, substantially, that it shall not be necessary if the child is really above the age." "Do you find difficulties arise out of the wording of this Clause?—Yes; there is a mill that I have in my eye now, in which, acting upon that 15th section, there are very few certificates, and those are only in doubtful cases. Where the master thinks the case doubtful, he then has a certificate, to prove that the child is 13." "Have you practically found difficulty to arise from the wording of the 15th Clause?—It seems to me to render the other in a great degree nugatory." This contradiction should be removed in any new enactment.

As Your Committee recommend that the counter-signature of a magistrate, required in the 11th Section, be dispensed with, except in the special case of a mill-owner having recourse to a surgeon, other than the one appointed by the inspector, they recommend also the repeal of the 16th Clause, except so far as it may relate to the special case.

The 17th, 18th and 19th Sections prescribe the appointment, and mode of appointment, of inspectors and superintendents, their duties and powers.

On the 17th, Your Committee have no suggestion to make.

The 18th Section provides that "the said inspectors, or any of them, shall have power and are hereby required to make all such rules, regulations and orders as may be necessary for the due execution of this Act, which rules, regulations and orders shall be binding on all persons subject to the provisions of this Act." These discretionary powers have been productive of much uncertainty and inconvenience to the mill-owners; Your Committee, therefore, in conformity with the opinion expressed by all parties,<sup>c</sup> suggest that they should be taken away, and that "every thing that the mill-owner is required to do should be contained in the Act itself."

c 1009. 1385. 1757.  
4094. 4095. 4377.  
4378. 8865, 8866.  
8990.

The 19th Section gives power to the Secretary of State to appoint superintendents or deputies under the inspectors, with "authority to enter any school-room, counting-house, or any part of any factory or mill, excepting such part or parts as may be used for manufacturing processes." Your Committee are of opinion that this exception should be done away,<sup>d</sup> the inspectors having from time to time, since the commencement of the Act, reported the absolute necessity of this amendment, care being taken to protect the mill-owners against any injury from the disclosure by such sub-inspector of any information regarding any manufacturing process which he may have obtained in the execution of the duties of his office. Although the proprietors have hitherto very generally admitted the sub-inspectors to all parts of their mills, the permission may at any time be revoked, as has sometimes occurred;<sup>e</sup> and it would become impossible, in the event of their total exclusion, to carry the Act into effective operation<sup>f</sup>.

d 1421.

e 3225. 936-950. 1893.  
f 962-966. 1910-  
1913. 2284-2286.  
3223-3225. 8599.  
4690-4694.

Sections 20, 21, 22 and 23 prescribe for all children under 13 years of age engaged in the factories, an attendance at school of two hours for each of the six working days of the week. These Clauses have, however, of late been rather better observed in the letter, although a strong antipathy still exists towards them<sup>g</sup> on the part of some of the proprietors of mills,

g 864. 883. 2304, 2305  
2593. 2594.

Respecting

Respecting the operation of the 20th and 21st Sections, Your Committee would call attention to the evidence of one of the inspectors.<sup>a</sup> "With respect to the 20th, 21st and 22d Clauses relating to the education of the children, will you state whether those Clauses regulating the attendance of factory children in schools are generally obeyed throughout your district?—As regards the production of a certificate of school attendance, I should say the Clauses are generally obeyed. There are many exceptions, as may be seen by my Conviction Returns." "But you would say that the vouchers required by the Act are generally presented at the time appointed?—Yes." "Have you any reason to know whether those vouchers assert what is true, or whether they are, in fact, fictitious vouchers?—Rarely fictitious; the assertion that the children have been to school, I believe to be true." "Is the schoolmaster's voucher regularly presented on every Monday morning in the mills throughout your district?—Sometimes Monday, sometimes Tuesday, the day varies." "Have you reason to believe that all the children under 13 years of age throughout your district, who, by the Act, ought to attend at school for two hours in the day, do really attend at school daily, as prescribed by the Act?—Certainly not all." "Have you reason to think that the majority of those under 13 attend at school?—Yes." "Does their attendance at school appear to you to be a compliance with the terms of the Act?—It is a compliance with the letter of the Act, as far as the certificate of having been at school goes,—at a place called a school." "You say, in your report of April 1838, that one of the chief inquiries in the visit to a factory ought to be, 'Do the children attend school as required?' is this question invariably put upon a visitation?—Invariably." "What is the answer in the majority of instances?—The voucher is produced." "Is that held by you to be satisfactory?—It is looked into; the children are examined as to whether their attendance at school corresponds with the voucher; and the time register is examined to see the time they work, and whether the time they say they were at school is correct." "Do you take any other steps to ascertain whether the voucher be authentic; that is to say, whether it actually speaks the truth, which it purports to speak; or are you satisfied with merely looking at the document, and taking that as a sufficient indication of the child having attended school?—I examine the children as to the hours." "Do you examine them individually in detail?—In a large factory, I test them here and there." "When you go on a quarterly visitation to a mill, a large accumulation of vouchers is put into your hand?—Yes." "What time does it take you to authenticate all those vouchers?—The school vouchers are pasted together in a book, the school certificate-book." "You have to ascertain the authenticity of those vouchers, week by week?—Only for the last 14 days; and I look over the certificate-book previously, to see whether it bears upon the face of it, as far as we can judge from an examination of it, that it is pretty uniform in its character; and if there are any blanks, I inquire about those." "Then your means of obtaining information are limited to a personal inquiry from the children, and to the examination of the schoolmaster's vouchers?—Sometimes I see the teacher; I do that as often as I can when the school is upon the premises." "Have you any control over the teacher, of any sort or kind?—None." "Have you any means of knowing the respectability of the teacher?—No." "Have you, in fact, any means of knowing what his voucher may be worth as to credibility?—Only as regards the testimony borne by the children, by cross-examining them."

<sup>a</sup> 799-817.  
Mr. Horner.

Another inspector is asked,<sup>b</sup> "With respect to the 20th, 21st, 22d and 23d Clauses which relate to the attendance at school of children employed in factories, what is your experience of the observance of those Clauses?—In a great many instances there is a nominal observance. The children attend two hours daily, but get no education that is worth having." "You were of opinion, in the early period of your inspectorship, that the carrying out of those Clauses was altogether impracticable?—Yes; and so it has proved in the result. I had a report to make upon

<sup>b</sup> 2292-2296.  
Mr. Howell.



the subject, and I had great difficulty to find in my district 12 schools in which I could honestly say that the education that the children received was worth having." "You say, in your report of October 1839, that those educational Clauses are very often made the means of prolonging the labour of the children?—I believe they are so; I cannot prove it, because if I could I should do so." "You say, 'The letter of the law is observed and its spirit violated in the following manner. For the purpose of complying with the educational provisions of the Factory Act, a school is established on the premises; that is to say, a room in the building is converted into a school-room, and one of the work-people into a school-master. But this plan furnishes a tempting opportunity for employing the children beyond the limited hours of work. The schoolmaster, being in the employ of the master of the factory, is practically under his entire control; the schoolmaster's certificate or voucher that the children have attended his school two hours daily, is no check upon the strong inducement to prolong the hours of labour of those children who are employed by his master, and who in many cases are impounded within the walls of the factory during the whole period that the elder work-people (those who are employed 12 hours daily) are working:' are you still of that opinion?—Yes, quite so; there are some honourable exceptions to it; among others, Mr. Greg, who has two mills in my district." "Are there a great number of factories in which there are no schools?—Yes."

\* 836-869. 2300.

Yet the vouchers of attendance, required by Clause 21, are regularly given.<sup>a</sup>

<sup>b</sup> 825-829. 839-842.  
849-851. 854-856.  
864-868.

Mr. Horner.

Again—<sup>b</sup> "What are the schools to which the factory children are generally sent in your district?—Very various." Are there many schools upon the premises instituted by the masters themselves?—A great many." "In which case do you find control more easy, in the case where the schools are upon the premises, or where they are schools belonging to independent persons not connected with the factory?—Upon the premises, because I have an opportunity then of seeing the master and examining him; I have a right to go into a school upon the premises; I have no right to go into a school off the premises." "Wherever the school is upon the premises belonging to the mill-owner, who appoints the schoolmaster?—The mill-owner." "The schoolmaster is therefore the servant of the mill-owner?—He is." "There is no kind or quality of schooling prescribed by the Act?—No." "When you say that this Clause of the Act is generally observed throughout your district, do you mean that it is observed according to the letter, or do you think it is observed according to what you conceive to be the spirit of the Act?—If the spirit of the Act means a good education, it is in the larger proportion of instances obeyed only in the letter." "Are there some instances in which respectable mill-owners have instituted very good schools on their premises?—Several." "But in the larger number of instances, perhaps, you would re-affirm the words you employed in 1837, 'That in the greater proportion of cases where children under 13 years of age are employed, there is a mere formal compliance with the law, the schooling being a mere mockery of instruction?'—Quite so; but I would beg leave to observe that it is a mockery which is not confined to mills; the children generally attend those schools which are open to children of the working classes in the towns and villages where they live, and which I consider to be to all intents and purposes a mockery of education." "What are the hours at which those children are sent to school?—It varies very considerably, from very early in the morning to late in the evening." "Do you think all hours equally good for the studies of little children?—No, very much the reverse." "Your last report of January 1840 contains this passage: 'In some cases there has been so little consideration for the welfare of the children, that, to suit the convenience of the mill, they have been sent to school at the most unreasonable hours; in one instance lately, at half-past five in the morning; in another, from half-past seven to half-past nine in the evening, when the children, as they themselves

selves told me, after their day's work, almost constantly fall asleep; what are the hours, generally, at which the children are sent to work?—Generally, in the forenoon; that is to say, some time between nine and five o'clock, the usual hours when schoolmasters keep their schools open.” “In case the children are sent to school at those unseasonable hours, either in the morning or in the evening, do you consider that to be a compliance with the spirit of the Act?—Certainly not.” “Is it possible that the children can derive any benefit from studies pursued under such circumstances?—Not the least; it is most cruel to send them to school at that time.” “As regards the schools which are set up upon the premises of the mill-owner, is it always with a view of giving the children the best education, and keeping them under their own eye?—I believe very often with the view of having their services more easily at command.” “When you first undertook the office of inspector, you found great repugnance to what are called the Educational Clauses?—Amongst many mill-owners.” “Do you find that the same repugnance exists now?—I have heard it very often remarked, ‘It is very unjust that the mill-owners should be made to educate the children they employ, any more than other persons;’ to that I have replied, ‘The law does not impose any such necessity; the law requires that the children shall attend school.’ The necessity of providing for the education, I conceive, is imposed upon the parent. The law stops the child's employment, provided the parent has not fulfilled that portion of the law. The law says to the parent, I conceive, ‘You shall not make money of your child by factory employment, if you do not send it regularly to school;’ and the mill-owner is employed as an instrument to check that.” “But there is no taxation upon the funds of the mill-owner to compel him to provide for the education of the child?—No; it must be a voluntary act, either from benevolence, which is often the case, or because it would be the most convenient arrangement for his mill to have the school upon the premises.” “Does not this difficulty sometimes occur in your inspectorship, that there is no school upon the premises, and that there is no school within reasonable reach of the mill, to which the child can be sent?—It sometimes happens.” “How, then, in those instances is the Act observed?—I have told them, ‘You must find somebody or other to school the children, or you cannot employ them; they must attend a school; let that school be as good as you can find, under the circumstances; you must employ some of your people to teach the children; but I will not allow you to employ the child at all, unless it fulfils the law by producing a certificate of having attended a school.’”

Your Committee would also call attention to the evidence of two gentlemen themselves proprietors of mills.<sup>a</sup> “The schooling Clauses are included in the 20th and 21st Clauses; have you any remarks to make upon those?—Schooling either belongs to the parents or it belongs to the state; it does not belong to the employer, in my opinion; it is either a parental duty or a national duty.” “Do you think it is possible in every case for the mill-owner to provide schools, or that in every case schools exist to which they can be sent, in case of detached situations, and a small number of children being employed?—There are situations in which it would be very onerous and expensive for the mill-owner to provide schooling to the extent which the population, or those employed in his mill, might require.” “Would he rather throw out children from his mill than be at the expense of establishing a school where there is none?—He had better pay higher wages to older hands than incur the expense of having children, if he must undertake to educate them.” “Do you think the education to be of a creditable description, or effective as to quality?—It is generally considered as good for nothing; it is undervalued and mismanaged.” “Have the inspectors the power of discharging schoolmasters or schoolmistresses, if they think them incompetent?—They have that power, and they have exercised it; and I think they have the power of imprisonment under some circumstances.” “Respecting the 20th, 21st, 22d and 23d Clauses, which relate to the schooling, the first of those requiring

<sup>a</sup> 4097-4101. 4389.  
Mr. Ashworth  
and Mr. Birley.

that the children shall attend a school, have you any remarks to make upon that or the following one?—We keep a school for our children, and we pay the expense ourselves; they are three hours a day each of them at it, and we find it a great advantage to the children; but it is a hard case upon some small mill-owners that I know, and the tendency is in many mills to throw those children quite out of employment; that I know to be the case.”

a 870-873. 2297-2299.

Messrs. Horner  
and Howell.

On the 22d and 23d Sections, Your Committee will merely state the evidence as given by two inspectors.<sup>a</sup> “In the 22d Clause it is enacted, ‘That wherever it shall appear to any inspector that a new or additional school is necessary or desirable to enable the children employed in any factory to obtain the education required by this Act, such inspector is hereby authorized to establish or procure the establishment of such school;’ is not that Clause altogether inoperative?—Utterly; because we have no means.” “You have the power to establish a school, without having any funds for that purpose?—Yes.” “Inasmuch, then, as the 22d Clause is inoperative, the 23d Clause must be equally inoperative?—Quite inoperative.” “No funds are assigned by the Legislature for the purpose of those schools?—None.” “In those cases where there is no school upon the premises, and no school in the neighbourhood to which the children go, how are the terms of the Act complied with?—They must send them to some labourer’s cottage, if they have children under 13 years of age; but I am very much surprised that the manufacturers, who are generally very acute people, should never have thought of serving me with a notice in that case, calling upon me to provide a school for them.” “Have you power by that Clause to provide a school?—The 22d Clause says, ‘That wherever it shall appear to any inspector that a new or additional school is necessary or desirable to enable the children employed in any factory to obtain the education required by this Act, such inspector is hereby authorized to establish or procure the establishment of such school;’ now, in order to throw me completely on my back, and to trample upon the Education Clauses, it would only be necessary for the master to send me notice, ‘There is no school here; be so good as to establish one.’ I have no means of establishing it, and I do not suppose that any magistrate, after the production of that notice, would encourage me to institute any prosecution against that gentleman.” “That 22d Clause, therefore, you hold to be perfectly inoperative?—It is practically inoperative.”

Your Committee have seriously considered the best means of giving effect to these Clauses; and if their recommendation for limiting the employment of the children to half a day be adopted, an opportunity will be afforded for the children attending the best day schools that are open to the working classes in the vicinity of the factories. But as the National Schools, those of the British and Foreign School Society, and many others, are not open on Saturday, Your Committee recommend that the obligatory attendance at school should be restricted to five days of the week, but that the children should attend not less than  $2\frac{1}{2}$  hours each day.

b 1455.

c 1453.

1456, 1457.

It has been suggested to Your Committee, “That no certificate should be valid for schooling before seven in the morning, nor after seven in the evening;”<sup>b</sup> that the mill-owners should be obliged, when required, to deduct the school fee from the wages of the child, not exceeding 2d. per week, and to pay it to the school-master;<sup>c</sup> and that power should be given to the inspector and sub-inspector to refuse the certificates of teachers, on the grounds of gross ignorance, extreme age or immoral character, and also to object to rooms and places that are obviously unfit to be used as a school.”<sup>d</sup> Your Committee are of opinion that these suggestions are sound and practicable.

Your

Your Committee, however, would suggest, that wherever the certificates of a schoolmaster or schoolmistress shall be so objected to, and no other school be found to exist within a reasonable distance of the mill, an immediate and full report of all the circumstances shall be made to the Secretary of State, who shall have the power of granting a short suspension of the law requiring the production of school certificates, in order to give time for the removal of the objections.

With all the consideration, however, which Your Committee can give to this subject, they feel that there must still exist cases in which, from the extreme remoteness and seclusion of their mills, many mill-owners will find a difficulty of access to established schools. For this evil they can devise no precise remedy. It might be dangerous, in many respects, to hold the Government responsible for providing schools in such cases; and they can only express their sincere and cordial hope, that the rapid progress of the prevailing feeling in favour of a moral and religious education of the operative classes will speedily come in aid of the difficulty.

On the 24th Section, an inspector<sup>a</sup> states, "With regard to the 24th Clause, no prosecution has taken place for a child remaining upon the premises, and I do not think that the offence is often committed." \* 1021. Vide also 4105.

Section 25. The abolition of this Section would of course follow the enactment of the suggestions made on Section 18.

Section 26. "Interior walls of every mill, &c. to be limewashed." This is a very necessary and beneficial regulation,<sup>b</sup> and should be strictly enforced. Attempts are often made to evade the obligation;<sup>c</sup> and the "period is frequently prolonged a month or two after the time when the mill ought to be whitewashed." This provision is extremely acceptable to the operatives.<sup>d</sup> Your Committee recommend that words be introduced to express more clearly that limewashing, not whitewashing, must take place once at least in 12 months, that ceilings, unless painted with oil, be also washed, and that the dispensing power of the inspector be done away. b 1022. 4106.  
c 1023.  
d 1024, 1025. 8599.

The 27th Section is pretty generally observed.

By the 28th Section is assigned a "punishment for forgery of certificates." Prosecutions have not often been instituted under this Section, on account of the difficulty of procuring evidence;<sup>e</sup> of its necessity, however, there can be no question. Your Committee are of opinion, that in the cases of violation of this Section, imprisonment should not be the fixed penalty; but that it should be commutable for a fine, at the discretion of the magistrates, the minimum of the fine being fixed by law.<sup>f</sup> e 1033.  
f 1564.

The 29th Section renders "parents liable to a penalty of 20s. for the employment of children beyond the legal hours, &c." Many prosecutions have been instituted under this Section;<sup>g</sup> Your Committee have no suggestions for its amendment. g 1059.

By the 30th Section it is enacted, that "If any offence shall be committed against this Act for which the master of any factory or mill is legally responsible, and it shall appear to the satisfaction of any justice or inspector that the same has been committed without the personal consent, concurrence or knowledge of such, by or under the authority of some agent or servant or workman of such master, it shall be lawful for such inspector or justice to summon such agent or servant or workman before him, to answer for such offence, and such agent or servant

or workman shall be liable to the penalties and punishments for such offence herein provided; and such inspector or justice shall convict such agent or servant or workman in lieu of such master." This Section has been considered by the operatives as the source of much oppression. Your Committee will state the evidence on this head. A sub-inspector is asked,<sup>a</sup> "Having been so long engaged in this duty, will you state whether you have heard many complaints from the operatives and others with respect to the operation of the 30th Clause, which provides that agents and servants to the factory owner shall be personally liable; have you heard them complain of the practice of fining the overlooker instead of the masters?—Yes." "Do they feel that as a great grievance?—Yes." "Will you explain a little more what you have seen of the operation of that Clause?—If the offence is thrown upon the overlooker, the overlooker admits the case rather than run the risk of losing his situation, as he expects would be the case if he were not to admit it." "That is to say, he thinks it better to admit that he has been guilty of the offence than run the chance of losing his place, by saying that he is not so?—Yes." "Have you often heard that complaint?—Upon many occasions." Again, one of the inspectors states,<sup>b</sup> "With respect to the 30th Clause, which provides, 'agents and servants of factory owners to be personally liable,' you say in your Report of the 30th of June 1837, 'I have met with several instances in which the master of the factory has endeavoured to shift from himself upon his foreman or work-people the responsibility of observing the regulations of the Factory Act. These endeavours I have uniformly resisted to the utmost of my power, and have held the master to his responsibility. But although (by section 31) the employer of children, who, by himself, or by his servants or workmen, offends against the Act, is punishable, yet (by section 30) if it shall appear that the offence has been committed without the personal consent, concurrence or knowledge of the master, by some agent, servant or workman, the agent, servant or workman is punishable in lieu of the master. It not unfrequently happens, that the workman is paid by the piece, and not by the day; and in this case the workman hires the children, who assist him in attending the machinery of his employer. The tendency of this opening for shifting the responsibility from the master to the workman is to induce the former, the man of education, character and station, to represent himself, in case of prosecution, as having no knowledge of the proceedings of his work-people (who, in this instance, are held up as free agents) in regard to the children hired by them, so that he may escape from legal responsibility himself, although he is the person who ultimately profits by the evasion of the law, who can hardly be really ignorant of the acts of his work-people, and who ought to be responsible that the business of his factory is conducted according to the law. The unavoidable responsibility of the master would also lead him to cultivate a better understanding with his work-people, to take a greater personal interest in them, and to remove that feeling of distrust which it is said too frequently prevails between them: are those still your opinions?—Yes, decidedly so." "Such being your opinions, have you any other remarks to make upon the operation of this 30th Clause?—No; I should apply to the master our maxim of *qui facit per alium facit per se*."

Another inspector gives in evidence,<sup>c</sup> "The 30th Clause provides that the agents and servants of factory owners are to be held personally liable; in one of your Reports, of the date of January 1839, you say, 'Although it is true the spinner engages his own piecer, the master has full power to refuse to admit the child, and to discharge the spinner himself if he disobeys his orders; if the mill-owner who wishes to have the law honestly obeyed in his factory will occasionally review the children and make due inquiries, he will as easily, nay, much more easily than the inspector or superintendent, discover any infringement of it; and when it is once known that he is in earnest, his work-people and agents will not dare

<sup>a</sup> 1789-1793.<sup>b</sup> 2320-2321.<sup>c</sup> 1071-1074.

dare to violate the law, for the master can, by the dismissal of the offender, inflict a penalty far heavier than any the Act imposes; those are still your sentiments?—Entirely.” “Do not you suppose that the operation of the 30th Clause was intended to affect those who may be considered the really guilty parties, or rather that party through whom the violation had been effected?—Yes.” “But it is your opinion that, after all, if it were generally known that the mill-owner zealously and solemnly desired the observance of the Act, his people would very generally observe it?—I believe there would be very few instances of disobedience if the work-people knew that the master not only was in earnest in directing that the law should be obeyed, but that he would occasionally take steps to ascertain himself, by inspection, that his orders were obeyed.”

On the other hand, a gentleman, a proprietor of mills, states,<sup>a</sup> “In the 30th Clause it is enacted, that agents and servants of factory owners shall be personally liable; that allows an action to be brought against a servant, if the offence has been committed by him without the knowledge of the master?—I perceive that the inspector has the power of proceeding against the servant or workman.” “Do you observe that Mr. Horner’s recommendation extends to making it imperative upon the magistrate to convict the mill-owner, in case of an infraction of the law by his servant, but leaves it in the power of the mill-owner to recover those damages from the servant afterwards, in case he shall be able to prove that that servant has been guilty of the offence?—I think I can rely upon the Legislature; that they will never grant any individual the power of taking our money from us, as it were, by the shovel-full, giving us the power of getting it back with a spoon, for that is the meaning of it.” “Do you conceive, if the master were able to recover the 20 £. or 50 £. penalty, whatever it might be, from the servant, who probably has nothing but his wages to depend upon, that that alone would make up to him for the annoyance and the disgrace of a public prosecution?—No; he could receive no compensation from a servant that would, to any extent, be ample for either the injury or the pecuniary loss sustained by the penalty: when I say injury, I mean injury to character.” “Then, although the master might be innocent, he would have first to be prosecuted and exposed, and then he would be left to recover damages of his servant, who was unable to pay the damages?—That would be the effect; that he would sustain a great moral injury in the eyes of men, and recover nothing back that would be worth having.” “You consider that that would be a great hardship?—A gross hardship.”

\* 4107-4111.

Your Committee, therefore, would recommend that power should be given to the inspector or sub-inspector to proceed against an agent or servant, if he shall be satisfied, on due inquiry, that the offence was committed without the consent, knowledge or concurrence of the master, and in contravention of his orders; but if the inspector or sub-inspector be not so satisfied, and shall deem it his duty to proceed against the master, and shall prove that the offence was committed, that it shall be imperative on the magistrate to convict the master, unless the master shall show to the satisfaction of the magistrate that the offence was committed by the agent or servant in contravention of his order, and without his knowledge or consent, in which case the inspector shall forthwith take proceedings against the servant; but, notwithstanding, if the master at the time of hearing shall prove to the satisfaction of the magistrates that the offence was committed by his agent or servant, in contravention of his order, and without his knowledge or concurrence, then in that case the magistrates may grant the master a warrant of distress against such agent or servant for the recovery of the penalty paid by the master; or the said master shall be allowed, within a limited time, to apply to the same magistrates to obtain such warrant, on due proof that the agent or servant was the guilty party.

In Section 32, Your Committee recommend that the word sub-inspector be inserted.<sup>a</sup>

On Section 33 they have nothing to suggest.

Section 31 regulates "the penalties for offences against this Act." By the latter part of this Clause, magistrates have power to mitigate the penalty below 1*l.*, or even discharge the matter altogether. It has appeared to Your Committee that the abuse of this power has, in some districts, contributed to render nugatory the provisions of the Act. Your Committee would direct attention to the following statements, by one of the inspectors who gave evidence before them: "In your report of October 1836, there are these words, 'Instead of visiting offences with such a penalty as would at once be a punishment of the offender, and a warning to others, the magistrates in several places have availed themselves to such an extent of the power given by the Act to mitigate the penalties, that their lenity will, I fear, rather encourage than check future violations of the law.' In January 1837, you say, 'I am strongly impressed with the belief that the continued violation of the law is in no small degree to be ascribed to what appears to me a very mistaken course on the part of many of the magistrates, who, to an extraordinary extent, have availed themselves of the power given to them by the Act to mitigate the penalties, so that the disreputable mill-owner, who is regardless of the discredit of a prosecution for violating a law solely made for the protection of helpless children, looks only to the amount of the penalty imposed upon his neighbour, and finds, in casting up the account, that it is far more profitable to disobey than to observe the Act.' You say also, in your Report of July 1838, after speaking of warnings which had been disregarded, 'There was, therefore, no alternative but to endeavour to get the penalties inflicted—I say endeavour, because of the system that the magistrates at Rochdale act upon, of mitigating the penalties to so great an extent; in 20 convictions at Rochdale this last quarter, for what I consider to be one of the chief offences punishable by the Act, viz. overworking children, a penalty of 20*s.* was imposed in eight cases, and in seven other cases 5*s.* was deemed sufficient.' You say again, in the same Report, 'I am firmly persuaded that the continued disobedience of the law in that superintendency (of Rochdale) mainly arises from the practice of the magistrates there in mitigating penalties to so great an extent. It would seem that there are a great many persons in those places who are not very sensitive to the shame of a prosecution, and who regulate their proceedings by the result of their estimates, when they set the almost certain small penalty against the amount of their gains by breaking the law.' You proceed also to give instances at Oldham, Manchester and Kendal. Again, in January 1839, you say, 'I wish I could say that we are now better supported by some magistrates than formerly; it seems to be an established rule in some courts of petty sessions that mill occupiers may violate any provision of the Act, even that main enactment for the protection of children from being overworked, for once at least, on payment of 20*s.*; the practical operation of which rule is, among those whose moral feelings are not very sensitive, that it amounts to an encouragement to break the law, for there is thus a clear gain in the non-observance of it; and it is seen, too, that even a second offence is gently dealt with, for, although the penalty be sometimes doubled, it then only amounts to 40*s.*' Do you still adhere to the opinions expressed in those several reports of yours?—To every word." "Is not it, in fact, more profitable oftentimes to overwork a number of children for so many hours, and pay the penalty, than to observe the law, by discharging them from their work at due time?—I conceive so." Again,<sup>b</sup> "You<sup>c</sup> said, that since the low penalty was inflicted, there have been more offences in the Rochdale district; as you have since that time had a superintendent resident there, is it not more than probable that the factory proprietors would be doubly on their guard?—Of course." "And yet, notwithstanding that, more offences have been discovered?—There, have

<sup>a</sup> 2330. 2402. 2465-6.

<sup>b</sup> 1137-1139.



have been a great many prosecutions." "It is therefore fairly to be inferred that that has in some degree arisen from the low penalty inflicted in that case?—I have no doubt about it, from statements that have been made to me again and again, that it is a joke in the Rochdale district—'Oh! we shall have the sovereign remedy.'"

Again, a sub-inspector is examined, who says,<sup>a</sup> "Upon the 31st Clause, the magistrate has the power of mitigating a penalty below the sum of 1*l*.; have you found this power of mitigating the penalties operate injuriously?—I have." "In what way have you found it operate injuriously?—Masters have told me that it would answer their purpose better to pay a fine occasionally, when I came round, than to obey the law." "How many mill-owners told you that?—Several have." "Do you find that those mills do habitually disobey the law?—Some of them do." "Do not they expose themselves to constant prosecution by it?—If they be detected." "Can you tell how often those particular mills have been detected?—One or two of them twice." "If they systematically acted upon that principle of disobeying the law, surely you would be able to detect them oftener than twice?—Offences are very difficult of detection; I am only repeating what they have told me, that it would answer their purpose to disobey the law, and to pay a trifling penalty when I came round." "Do you know that they do systematically disobey the law, on account of its answering their purpose?—I do not know that." "If they tell you that it is their interest to do so, and you believe that it is their interest to do so, have you any reason to doubt that when opportunity offers they would do so?—No." "Have you not already said that the difficulty of procuring evidence is very great?—It is." "In the first place, it is very difficult to detect that the offence has been committed?—Yes." "And then it is very difficult to prove the commission of the offence?—It is still more difficult to prove it." "Therefore, from your experience, you have a right to infer that many offences are committed which you are never able to detect?—I have no doubt of it." "If a mill-owner habitually acts upon the principle that it is more profitable to disobey the law, must not the offences committed be multiplied daily?—Yes." "Surely, then, you would be able to detect those offences more than two or three times?—If he systematically did it. Last year, when the Factory Bill was before The House, a mill-owner said to me, 'You are making some alteration; what is it to be?' I said, 'I cannot tell; I see they are raising the penalties, for one thing.' He replied, 'I believe they cannot now fine us more than 100*l*.' I said, 'No.' He said, 'Perhaps it would be better for me to pay that.' " "Better to pay that, and not obey the law?—Yes." "Does the proverb prevail in your part of the country, that they will resort to the sovereign remedy?—I have heard it said." "What is the sovereign remedy?—A pound for each offence." Again, another inspector says,<sup>b</sup> "With respect to the 31st Clause, which gives the power of mitigating penalties, in your Report of the 1st of January 1838, you say, 'The only means by which the graver offences can be sufficiently controlled will be to proportion the punishment to the offences committed, neither making it so severe as to induce magistrates to refrain from interfering (which has been the effect of providing only imprisonment for some offences), nor by having the penalty that can or may be inflicted so small that a manufacturer can calculate upon gaining more by evading the law than he will have to pay in penalties if discovered:' is that still your opinion?—It is." "In your opinion is the power given by the 31st Clause of mitigating the penalties such as to operate injuriously upon the efficiency of the Act?—Very injuriously." "Do not you think the smallness of the penalties makes the magistrates more inclined to convict than they otherwise might be?—In my Report I state that it is necessary to take a medium; that they should not be so heavy as to prevent the magistrate convicting, but not so paltry as to make it a matter of no consequence. I have a return of the penalties, which was ordered, from which it appears, that out of 703 penalties, there were 409 of 20*s*. and under." "Supposing a magistrate were to convict in a series of small penalties, would that be sufficient

<sup>a</sup> 2625-2640. 2648-49.  
2905.

3007.



to deter a man who was determined to overwork his children for his profit?—Distinctly not.” “Would he not find that by overworking the children he might make very considerable profit, and although he was convicted in several cases of prosecution, yet that his gains would far exceed his penalties?—Certainly.” The penalties, moreover, fall more heavily on the operatives than on the mill-owners;<sup>a</sup> this, it was stated in evidence by an operative, is considered a grievance by the work-people. “They think,” he remarks,<sup>b</sup> “in many cases, justice is not administered to them, particularly when a grave infraction takes place, and only 5s. or 1l. is awarded for it; they think it a mere mocking of justice.”

The provisions in this Section must be considered simultaneously with one in the 43d Section, which “enacts, that only one penalty shall be recoverable for any one description of offence from any one person for any one day.” The effect of this enactment in practice will be best exhibited by a quotation of evidence.<sup>c</sup> “By the latter part of the Clause it is provided, that only one penalty shall be recoverable for any one description of offence from any one person for any one day; has not the operation of that been found to be a very great impediment to the carrying out of the Act?—A great impediment, and, as it appears to me, a gross injustice.” “In fact, whatever may be the number of breaches of the law, so that they be all of one character, they are to be treated as a single offence? Yes.” “For instance, if 2,000 children were overworked in one mill, that would be a single offence under the Act?—Yes, and might be punished by a penalty of 20s.” “You think that a very mischievous restriction?—Very mischievous, and unjust.” Again, a sub-inspector is asked,<sup>d</sup> “Supposing a mill-owner overworks 200 children in one day, and you institute a prosecution, and he is convicted of having overworked 200 distinct children, is that considered as 200 offences, or as one offence?—One offence.” “For that, does he pay 200 penalties, or one penalty?—One penalty.” “Therefore 1l. would cover the penalty for that offence?—Yes.” “Although the profit obtained from the work of the 200 children might be manifold the amount of the penalty?—Yes, he cannot be convicted in more than one penalty for those for the same offence.”<sup>e</sup>

On the opposite side, it is stated,<sup>f</sup> “The complaints against the small amounts of penalties in cases of convictions, and a belief expressed that those small penalties operate, if not as an encouragement, at least no discouragement to the mill-owner to offend against the law?—Yes, I did observe that; I could not understand from the evidence how that was proved; there was a Heywood case mentioned in Mr. Horner’s evidence, in which he stated that the amount of penalty levied was only 17l.; but he totally failed in proving that that was not an effectual prevention to any further infringement of the Act.” “And the cross-examination proved that no further conviction had ever taken place in that mill?—Yes, it is so stated by Mr. Horner.” “Do you believe in the practice, or can it be the interest of any mill-owner habitually and systematically to disobey the provisions of the Act, with a view to his pecuniary interest?—Decidedly not; the thing is perfectly ridiculous, I think.” “Why do you consider it would not be his interest to act upon such a principle?—I do not see what he would gain by it.” “Do you believe it is possible, in a pecuniary point of view, supposing he had no other consideration, to have any advantage?—I presume you are speaking merely in a pecuniary point of view.” “I ask, on a cold-blooded calculation, whether it would be more economical to disobey the provisions of the law or to obey them?—I should say it would be much more economical to obey them.” “Do you think, supposing he were determined to consider nothing but his own interest, he would not find it more economical to dismiss the children under age, and pay the additional wages necessary for the service of adults or those above 18 years of age, rather than submit to the risk and the payment of those penalties?—A great deal would depend on how the law was administered.”

It is further stated,<sup>a</sup> "In case of instituting a prosecution, what would be the lowest amount of penalties you could compel the magistrate to inflict, and what might be the greatest?—There could be only one penalty for one description of offence." "Suppose there was one child under age so working in defiance of the law, ought not that child to be entered in the register; is not that one offence?—There might be one offence for not entering the name on the register, another for not having a medical certificate, another for not having a certificate of the school attendance, and another for not entering the name in the time register." "That is to say, four offences would exist in the case of each child, and you might press for four convictions in the case of each particular child?—Yes." "And that prosecution might extend over the surface of 14 days?—Yes." "And in case of a deliberate violation of the law, the probability is, that you would be able to procure evidence of their not only having worked one day but 14 days?—Yes, I conceive so." "So that there would be four offences for each child in 14 days?—Yes." "That is four times 14?—Yes." "What is the least amount of the penalties the magistrate would inflict for each offence?—Sometimes they go as low in England as half-a-crown or 5 s." "By a clause of the Act, in the case of wilful neglect, how is it?—It rests with the justice, I think." "The case supposed, is of wilful defiance and deception; there is no power of mitigation beyond 20*l.* and 1*l.*; those are the two extremes?—That is a question of calculation; that would make 56*l.*" "For each child he would have to pay a penalty of 56*l.*?—Yes." "And in case of employing 10 children, the probability is, he would not employ one; the least penalty the magistrate would in that case inflict, if you chose to urge the case, would be 560*l.* for 10 children?—Yes." "But suppose the magistrate chose to give the utmost penalty the law allowed of, that is, 20*l.*, that would amount to 11,200*l.* for having employed 10 children in defiance of the law during those 14 days?—Yes." "Do you not consider that the disgrace attaching to the mill-owner for setting the law at defiance, in conjunction with the necessary penalties which must be inflicted in case of discovery and conviction, and the possible penalties that might be inflicted, form altogether a pretty good guarantee that the mill-owner will not act on the principle of violating the law, and that his manager would not make those false statements which we have referred to?—I am quite satisfied of that; I am quite satisfied the mill-owners in Glasgow would feel the disgrace of a prosecution very keenly."

<sup>a</sup> 5153-5166.

Your Committee recommend the following amendments: That a distinct penalty be assigned to every offence committed against the Act, and that both the minimum and maximum of it be fixed; that in the case of the illegal employment of children or young persons, a penalty should be levied for each child or young person so illegally employed; and that when the offence has been repeated within 12 months, the penalty be not mitigated below a certain sum.<sup>b</sup> Your Committee, however, cannot altogether forget that in addition to the actual amount of the penalties which have been inflicted, there must in every case have been added not only the costs, but what must in the case of every respectable mill-owner have inflicted a far heavier punishment than the pecuniary one, the annoyance and disgrace of a public prosecution. The first part of the 43d Section, which regulates application of penalties, may also be considered here. Your Committee recommend,<sup>c</sup> "that the penalties should be funded, and applied from time to time in the manner that may appear most beneficial for promoting the education of factory children, by the Secretary of State, upon the recommendation of the inspector or the local magistracy, and that the inspectors should be required to state, in their half-yearly reports, the amount of penalties imposed in the preceding half year, the place where the money was lodged, and all sums that have been appropriated in the preceding half year."

<sup>b</sup> 1564.

<sup>c</sup> 1446.

The 34th Section enacts, that "proceedings under this Act may be had before any one inspector or any one magistrate."<sup>a</sup> Although Your Committee have no desire to make the least reflection on any class of gentlemen, by the exclusion of them as the members of such a class from the offices of the magistracy, they think it nevertheless advisable, in reference to the decided opinion expressed by the inspectors, and the very strong feelings entertained on the subject by the operatives,<sup>b</sup> that the provision formerly contained in the Act, called Sir John Hobhouse's Act, should be revived, whereby it was enacted, that no person being a mill-owner or occupier, should sit to adjudicate cases arising out of factory legislation. The same principle is recognized in the Excise Acts, and in the laws against combination. To this amendment an objection is made by a gentleman connected with mill property, who says,<sup>c</sup> "I think that such a Clause is a reflection upon the bench, and that to inflict such a Clause upon them by legislation is rather a severe reflection, inasmuch as it charges the magisterial office with something like a selfish or personal leaning which is undeserved, in my opinion."

The 35th Section relates to complaints to be preferred at or before the visit of the inspector, and previous notice given. On this the inspector remarks<sup>d</sup>, "It is a Clause as to which neither the inspector nor any person whom we have consulted can comprehend what is meant." With respect to the provision, that only 14 days are allowed after the commission of the offence during which the party may be complained against, he is further asked, "Have you found it very much to impede the operation of the Act?—Most seriously," he replied, "because, supposing even the system of inspection was so close that every mill was visited every month, during half that month the law might be violated."<sup>e</sup> "But as the system of inspection is such that mills can be visited only three times in a year, it of course allows a very large margin during which offences may be committed—three months and a half, supposing the visits to be periodical; it allows ten months and a half in the whole year during which offences may be committed with impunity?—Yes." Another inspector confirms this testimony.<sup>f</sup> Your Committee, therefore, recommend, that informations should be laid within 14 days of the discovery of the offence by the inspector or sub-inspector; but that in the event of the appointment of an increased number of inspectors as hereafter recommended by Your Committee, it be legal to lay an information within two months from the commission of the offence; and that, in that case, power be given to a magistrate to postpone the hearing of the complaint beyond 14 days, on sufficient cause assigned.<sup>g</sup>

On the 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d and 44th Sections Your Committee have no remarks to offer.

The 45th Section directs the inspectors to keep full minutes of all their visits and proceedings, and make reports twice a year, and oftener, if required, to the Secretary of State. A passage in this Section, whereby they are enjoined to report, "whether such factories or mills are or are not conducted according to the directions of this Act, and of the laws of the realm,"<sup>h</sup> has been considered so obscure as to render the provision altogether inoperative.

Your Committee avail themselves of the opportunity offered by this Section, to recommend that both the numbers and salaries of the gentlemen engaged as sub-inspectors of factories be increased. At present they are required "to visit each mill in their division three times a year;"<sup>i</sup> it is desirable that they should do so at least four times, and that never more than four

<sup>a</sup> 1133. 1150. 1085.  
<sup>b</sup> 2327, 2328. 3033.  
<sup>c</sup> 3048. 3053.

<sup>d</sup> 4115.

<sup>e</sup> 1177.

<sup>f</sup> 1179.

<sup>g</sup> 2337.

<sup>h</sup> 1578.

<sup>i</sup> 1582.

<sup>j</sup> 56.

four months should elapse between two visits.<sup>a</sup> "If it is thought necessary," says an inspector, "that the mills should be visited more frequently, I consider that an increased number of inspectors is indispensable."<sup>b</sup> Another inspector observes, "I think the number is sufficient. I think they ought to be better paid."<sup>c</sup> "Otherwise," he is asked, "a greater degree of visitation would involve a much heavier charge upon their income?—Yes."<sup>d</sup> A superintendent states, in answer to the question proposed to him, and he may be quoted as a sample of the rest, "that his salary is 350*l.* a year; that nearly 200*l.* of that sum is consumed in travelling expenses."<sup>e</sup> "In ordinary visitations, supposing you are sent upon any extraordinary business, is any allowance made to you, or is that an additional drain upon your finances?—That is an additional charge to the superintendent."<sup>f</sup> "Does not that offer an inducement, in making a visitation, to hurry over your business, that you may be absent from home as little as possible?—Yes, but I do not consider that the public service suffers, because the quicker you visit mills, the less chance there is of the visits being known, provided you do not hurry through the mill."<sup>g</sup> "Do you think the visitations would be more regular and more frequent if they had a larger sum at their disposal for travelling expenses in the way of mileage?—I think it would be a great encouragement." "In that case, do you think the staff would be sufficient if you had larger means of moving about?—Yes, at present there is a bounty held out to remain at home, and to forego prosecutions." Your Committee likewise suggest that instructions should be issued by the Secretary of State, for the purpose of assimilating the mode of visitation in the United Kingdom; that the inspector and sub-inspector should be directed, at each visit of inspection, to go through every part of the mills in which any manufacturing process is carried on, and see the children and young persons with their own eyes; and that, in all cases, they report the state of the mills as they found, and not as they left, them.

<sup>a</sup> 1428.

<sup>b</sup> 1425, 8374.

<sup>c</sup> 2275, 2276.

<sup>d</sup> 2280.

<sup>e</sup> 2085–2087.

<sup>f</sup> 2090.

<sup>g</sup> 2093, 2094.

On the remaining Sections of the Act, from the 46th to the 50th, Your Committee have no remarks to offer.

Upon two or three other points, not falling under any of the Sections of the existing Act, Your Committee would in the first place suggest the necessity of affixing a penalty to the crime of concealing children during the visitation of a factory. The evidence of the inspectors will best exhibit the propriety of such an enactment.<sup>h</sup> One is asked, "Have there been any instances in which attempts have been made to conceal the children during your visits to any mill?—Yes, they have been concealed in wool-bags." "And in what other places?—I have never detected it; but I was told that in a mill that I visited, believing children to be improperly employed there, after I had gone I was told, 'If you had looked into the necessaries, you would have found them full.'" "So that it would be very easy to conceal children under nine, and to prevent your knowing that they were actually working?—If they resort to such things as that, of course I cannot, any more than other persons, discover it." "There is no Clause in the Act whereby you can punish such an offence as the concealment of children?—Not concealment; I must prove that they were employed." "But the act of concealing the children is not an offence punishable under the Act?—No." Again, another officer states,<sup>i</sup> "Have you ever known of any children being concealed when you have visited the mills?—On several occasions." "In what townships?—Blackburn, Manchester, and at Almonbury, in Yorkshire." "What have you done on those occasions?—In some instances I waited till the children came out; in other instances I have removed the wool under which they were hid." "Were those children under the age allowed by the law?—Yes."<sup>k</sup> "You say you have found children concealed; do you suppose that that is a common practice, or that it is a

<sup>h</sup> 428–432.

<sup>i</sup> 1858–1861.

<sup>k</sup> 1865, 1866.

rare case for children to be concealed?—It may be carried on very frequently when we cannot detect it.” “According to your experience, do you think it is a generally prevailing practice, or that it is a practice of rare occurrence?—It is not a prevailing practice, but still it is not of rare occurrence.” A third gives in evidence,<sup>a</sup> “Have you any reason to think that children are sometimes concealed?—I have found them concealed under machinery and in water-closets.” “Lately?—I had a case about a twelvemonth ago of their being hid under machinery.” “That is no offence against the Act, is it?—No.” “It is no offence, unless you can prove that those children have been overworked?—Or that they have been worked under legal age.” “How many cases of concealment have you found?—Several; six or seven; I have had very good reason to believe that others have taken place without my being aware of it; I heard of it by subsequent information.” “Is not the difficulty of detection very great indeed?—Very great.” “Have you any reason to think that the children are afraid of giving evidence against their masters?—They are very reluctant indeed; the statements that they give when they come into a court of justice vary entirely from the evidence that they have previously given in the mill.”<sup>b</sup> A fourth says, “Have you reason to think that the children are ever concealed at the time of your visits?—I am convinced of that, from statements made to me; I was told at Huddersfield that there were two entrances to certain rooms, and it was pointed out to me that when I had gone in at the one, persons had gone out of the other. The next time I went I had the superintendent with me, and we went in at opposite doors, and by that means we discovered some offences which were prosecuted to conviction.” “You are convinced, therefore, unless you show that those children have been overworked, such a gross offence as that will escape punishment?—Entirely.”<sup>c</sup> “Have you reason to think that many offences of that sort occur which you are not able to detect?—We have often had strong suspicions that children are concealed or removed as we enter the mill.” “It is an offence very easy to commit?—It is.” “And therefore essentially necessary to restrain by law?—Certainly.” In the second place, such cleaning of machinery while in motion as should be attended with any danger to the children and young persons employed should be prohibited under the severest penalties. Your Committee entertain on this head very decided opinions; and they cannot better state the grounds of their conclusions than by reporting in detail the evidence they have received. A superintendent is asked, “Within your district and within your experience, is it not very often the practice that the machinery is cleaned while it is in motion?—It is.”<sup>d</sup> “Has not that caused very serious accidents to many persons so engaged?—Many very serious. I can give a return from the Stockport Infirmary. I have taken some pains in collecting, for the last three years, from the books of the Stockport Infirmary, the number of factory accidents. The number of accidents from March 1837 to March 1838, in Stockport, was 120; from 1838 to 1839, 134; from March 1839 to February 1840, 86 accidents; out of which 36 were owing to their being caught whilst cleaning the machinery, the machinery being in motion at the time. In the Report of the Stockport Infirmary for the last year there is the following passage: ‘The Committee cannot conclude their Report without stating a fact which has painfully impressed their minds during the past year. They refer to the manner in which accidents generally occur in our cotton mills. Almost all the accidents that have come under the notice of the Committee have happened in consequence of the cleaning of machinery while it is in motion. It is earnestly hoped that the owners and managers of our manufactories will adopt effectual means for the discontinuance of so dangerous a practice.’ The practice has not been discontinued, because in the following year, when the cotton trade was very bad, there were 36 accidents in Stockport, owing to cleaning machinery while it was in motion.” “Then have you reason to think that if the trade had been

<sup>a</sup> 2553-2560.<sup>b</sup> 2955.<sup>c</sup> 2967-2969.<sup>d</sup> 2804-2810.

been brisk, and all the machinery had been in motion, there would have been as many as in the previous year?—Yes.” “Can you give any information to the Committee as to the character and effect of those accidents?—In some instances they have thrown the people wholly out of employment; they have lost their limbs or their hands. In cases of children, they have often lost two or three fingers.” “Have they ever been attended with loss of life?—Yes, in several instances.” “Have coroners’ inquests in those instances been held?—They have.” “What has ordinarily been the verdict in those cases?—Accidental death; but in one instance, owing to the bursting of a boiler, in which there were five or six lives lost, the jury returned a verdict of accidental death, with a deodand of 10*l*. upon the steam-engine, because the master had run the engine after it had been proved that the boiler was unsafe.” “In other cases, has it been the practice of juries to lay a deodand upon the machinery?—I think not; at least not to any extent.” “Are you aware of the amount of the population of Stockport engaged in factories?—At the time when these accidents occurred, there were about 15,000 to 16,000 persons employed.”<sup>a</sup> “And the number of accidents were 120 in one year and 134 in another year?—Yes.” “Have you reason to think that the system in this respect is worse at Stockport than in any other part of England where the cotton manufacture is carried on?—No.” “You are decidedly of opinion, from what you have seen, that the Legislature ought to prohibit the cleaning of machinery while it is in motion?—Yes.” An operative is asked,<sup>b</sup> “Are you aware of the practice that prevails in some mills of cleaning the machinery while it is in motion?—That is very frequently the case, and if the children do not know it at the first, they are taught to do so; they are not allowed to clean in the meal-times, and, in order to save as much time as possible, they are learned to clean during the time the machine is going.” “What is your opinion of such a practice?—In many instances it has a tendency to cause the children to be caught, to lose a limb, or something else.” And the superintendent is asked,<sup>c</sup> “Do children meet with those accidents from being compelled to clean the machinery when going?—I think that the machinery in a mill ought never to be cleaned while the machinery is at work.” “Do accidents more frequently arise from cleaning the machinery whilst going than from coming in contact with the machinery?—Minor accidents, for instance, the loss of a finger; but what I speak to are accidents from the main-gearing of a mill.” “When you use the term ‘minor accidents,’ might not that minor accident be the cause of the child being deprived of the means of earning a livelihood?—Unquestionably.” “Therefore it is a minor accident only in respect of the pain it inflicts, not in respect of the consequences to the child?—Yes.” “You are of opinion, therefore, that the Legislature ought to prohibit the cleaning of the machinery while it is in motion?—I am.”

<sup>a</sup> 2025–2027. 2029.

<sup>b</sup> 8572, 8573. 8587.

<sup>c</sup> 3276–3280.

Your Committee are likewise of opinion,<sup>d</sup> that the cleaning of machinery at any time should be declared to be employment within the meaning of the Act.

<sup>d</sup> 1208.

Your Committee recommend to the serious consideration of The House, the best mode of preventing and repairing these sad injuries. Your Committee recommend,<sup>e</sup> that provision should be made for the boxing off of dangerous parts of the machinery. The following evidence is confirmatory of this opinion. A superintendent is examined:<sup>f</sup> “Do not you, in going through the mills, very often see a great deal of machinery very dangerously exposed?—I do.” “Are you not of opinion that the inspectors should have power to direct that certain parts of the machinery should be boxed off?—I think they ought.” “Do not you think that little children are exposed to very great hazard, particularly female children, with their flowing garments, in going round from one part of the mill to another?—I think they are; there was a case occurred very recently at Stockport, where a girl was carried by her clothing round an upright

<sup>e</sup> 2479, 2480. 8588–8590.

<sup>f</sup> 2846–2857.

shaft; her thighs were broken, her ankles dislocated, and she will be a cripple for life." "What do you think would have been the expense of boxing off that upright shaft?—A few shillings." "Would that have acted as an impediment to the due working of the machinery?—No." "Do you not think that little children especially should be protected against the consequences of their natural heedlessness?—Yes; they will occasionally run about and play, and they are subject to run against the machinery." "Then your opinion is, that it would be neither expensive to the master, nor an impediment to the machinery, if the machinery were boxed off?—It would not be expensive, and, so far as I am a judge, it would not interfere with the machinery." "In many mills it is boxed off?—It is." "And many of the most respectable masters are anxious that it should be so?—They are, and when accidents happen it is done, but not till too late." "Do you occasionally suggest that such a thing is dangerous?—I have no power to order it, and I do not therefore like to interfere." "As the majority of accidents happen when the machinery is being cleaned, boxing it off would be of no use as to that?—No; they must be prevented from cleaning during the motion of the machinery; the fatal accidents generally happen from the want of boxing off." "But a great many casualties happen from cleaning?—Yes." "Another superintendent is asked, "Has it come to your knowledge that many accidents occur in the mills occasioning injury to life and limb?—In my district there have been a considerable number of accidents and loss of life within the last three months; during my last visit to Halifax, a fine child, somewhere about 13 or 14 years of age, was killed in a mill, in the township of Sowerby, by being caught by the upright shaft; going up the mill it was killed on the spot."<sup>b</sup> "Are you not of opinion that the inspector should have power to direct that certain parts of the machinery should be boxed off?—I am." "Particularly in mills where numbers of young children are employed?—Yes." "Are you not of opinion that children should be protected against the consequences of their own heedlessness?—Yes." "Particularly in mills where female children are employed?—Yes." "Are not female children exposed to greater danger, on account of the flowing character of their garments?—Certainly." "What proportion of children, compared with adults, suffer from accidents?—A much greater proportion."

Your Committee recommend, also, that there be given by enactment a speedy and cheap mode of recovering compensation for injuries received in all those cases where machinery has, through negligence, been left uncovered. Your Committee request particular attention to the following evidence. A superintendent is asked,<sup>c</sup> "Are you aware of any cases where accidents of that kind have happened in which the mill-owner has maintained the person, and endeavoured to make every reparation in his power?—I have heard of cases where they have given them a little money to buy a horse to go about with sand." "Have they, also, during their illness, allowed them part of their wages?—In one instance, where a girl was caught in the hair and scalped from the nose to the back of the head, the manufacturer gave her 5*l.*; she died in the work-house." "You have been asked if you had known instances in which the mill-owner has maintained the person, and endeavoured to make reparation for the injury; is it the general practice to do so?—I think it is, to give them something." "Enough to compensate for the real loss that the sufferer has sustained?—Certainly not." "Supposing a man had lost his arm, is that man capable of working afterwards in a cotton-mill?—No, he is not; I know one case where a man was caught by the hand last year, and he was disabled from work; he is now attempting to earn a livelihood by selling oranges." "Did that man receive a sufficient compensation for his loss?—I do not know what he received." "Supposing a child lost three or four joints of its fingers, is that child capable of earning its livelihood?—It depends upon the fingers taken off; sometimes they could go on earning; in other instances, where the hand is smashed, it disables them



them entirely." "Is it not the case, that in almost every instance within your knowledge the loss sustained has been infinitely greater than the small compensation they have received?—Where they have been thrown wholly out of factory employment, it has." "Are you not of opinion that the Legislature ought to interpose, and declare that the machinery shall never be cleaned while it is in motion?—I think it is decidedly necessary; and I think it is important that the superintendent should have the power to go into the mills to see that the machinery is not being cleaned when in motion." "What is the motive for cleaning the machinery while it is in motion?—That they may work during the whole 12 hours, and not lose a part of their labour." "The object, therefore, is merely profit?—Profit." An operative is examined: "From your experience in those matters, and being conversant with the operative classes, what will be the effect on a child's prospects, suppose it is deprived of its hand or one of its fingers?—In many cases it is a pauper upon the town, where it loses a hand, and in some cases it has turned out good for the child, for some people have taken it under their guardian care, and given it a good education, and have made him a book-keeper or a schoolmaster, when it has not been his right hand." "Suppose the child should not be happy enough to meet with one of those benevolent individuals, what is the effect on that child's means of obtaining a livelihood, or on its prospects?—They are blasted." "When you talk of the loss of a hand or fingers among that class of people, do you not estimate it very differently from when it occurs to a person in a better situation of life?—It is a great deal worse for the child and its parents, if it has any." "Is it a common thing to lose a hand?—It is not so common as losing a finger; I have been caught by an engine starting before the time; this occurred in a mill being started before the time, and it caused me to be caught by those fingers" (showing his two middle fingers, which were scarred). "Was it a very severe wound at that time?—Very; it caused me to be absent from work three months." "During the whole of that time you lost your wages?—Yes; that was in consequence of the mill starting before one o'clock, prematurely." "Were you not aware it would start?—Yes, I was aware it would start, but not before the proper time; it will be about 36 years ago, to the best of my recollection; I was then a piecer." "You say you have not often heard of hands being torn off, but you have heard of mutilation of fingers?—I have seen hands taken off in consequence, but they do not so frequently occur as fingers being cut." "You have seen hands taken off in consequence of an accident occurring?—Yes." "Would not that loss or mutilation of a finger be a very serious accident to a child in that department of industry?—I should think it would be very; it would prevent its working for a month, and if it did work, it would not be so active as before."

\* 8576-8586.

As the most serious accidents generally arise from parts of the main gearing or main shafting, in the rooms where the people work, being left without guards, Your Committee recommend,—

1. That all upright shafts should be enclosed, or boxed off, to the height of at least seven feet from the floor; but, if a drum or pulley necessarily intervenes, so as to prevent a casing so high as seven feet, such shafts should be cased as high as possible.
2. That all horizontal shafts elevated less than seven feet above the floor should be boxed off, in all those places under which persons may pass.
3. That all drums on the main shafting, which revolve in passages or gangways, within seven feet from the floor, should be boxed off.
4. That all bevelled or spur wheels on the main shafting, working within seven feet from the floor, and under or near which persons may pass, should be boxed off.



Your Committee further recommend, that if the inspector or sub-inspector shall see any parts of the machinery, not specified in the Act, which they deem dangerous, not sufficiently protected, they shall give a written notice thereof to the mill-owner; and if, after such notice, injury shall be done to any person by such unprotected parts of the machinery, and if an action for compensation shall be brought before a competent court, and damages shall be awarded, the convicted party shall pay an additional fine of \_\_\_\_\_, over and above the damages awarded, to be applied in the same manner as other penalties under the Act; that a form for such a notice should be given in the Act; that it should be served personally on the mill-owner by a constable; and that a duplicate copy thereof should be lodged with the clerk of the peace, and filed among the records of the county.

Your Committee feel that it will be impossible for the workers, from the unavoidable expensiveness of law proceedings, to procure redress by their own resources, and that, to make any provision for their obtaining compensation effective, other means for the purpose must be provided. Your Committee therefore recommend that the inspectors should be empowered to direct proceedings to be instituted, wherever dangerous machinery shall have been left exposed, contrary to order given, as before mentioned, and bodily mutilation or suffering shall in consequence have occurred; and that the costs attending such proceedings shall be an expense incurred in execution of the Act, and allowed accordingly.

In the fourth place, Your Committee desire to call attention to the system of tampering with the clocks in factories. A superintendent is asked,<sup>a</sup> "Do you find much difficulty in consequence of the hour of the mill clock not agreeing with the standard time in the county?—Yes; it throws a great impediment in the way of detecting offences." "Have you ascertained many instances of tampering with the factory clocks?—I have found some instances where the clock had been altered, but in many instances the clocks are kept too quick or too slow." "Have you frequently heard that clocks are tampered with?—Yes." "What standard do you take as true time in most cases?—Manchester time, the true time of the day." "Are you not aware that there is great difficulty in keeping clocks to one uniform time at Manchester; that there is sometimes as much as seven minutes difference between the 'Change clock and the Infirmary clock?—The difference in clocks in the country is from half an hour to 50 minutes." "Is not it still more difficult in the country to have a standard; for example, is not the parish clock generally a very bad authority in country places?—I am not aware that it is; but most of the manufacturers attend market once a week, and they might very easily set their watches by that." "In these cases of tampering with clocks that you allude to, do the hands work longer time for the same wages; or, if the clock is later than it ought to be, do they only work the hours prescribed by their wages and by the Act?—In some seasons the clock is altered to catch the light, to enable them to save half an hour's gas in the evening." "So that the hands only work the prescribed hours?—In many cases; but supposing, for instance, I heard that the mill kept their hands to clean at dinner time; if I went there by my own watch at the regular time of day, I most likely should be half an hour later than the dinner time at the mill." "In comparing your watch with the clock in the factory, you would find half an hour's difference; but still those hands would be only working the regular hours?—Instead of finding the hands cleaning at dinner time, we should find that dinner was over, and that the engine had started again." An inspector deposes,<sup>b</sup> "With respect to clocks, when you speak of tampering with clocks, do you mean by making use of two clocks, the one connected with the machinery, and the other the time-piece of the mill; or do you mean that the time-piece of the mill is not kept

<sup>a</sup> 2054-2062.

<sup>b</sup> 2390 2392.

kept in proper accordance with the real time?—I mean that the time-piece of the mill is not in accordance with the real time.” “Do you generally find that it is too fast, or too slow?—Sometimes the one, and sometimes the other.” “Do you mean that the same clock is put backward and forward in order to work a longer time, or that some clocks are kept always behind, and others always too fast?—I mean that the clocks are set to particular times in order to evade the Act.” He says also,<sup>a</sup> “You stated that in carrying on your visitations you met with very great difficulties in ascertaining the observance or non-observance of the law on account of the great irregularity of clocks?—Yes.” “Just state how that operates upon the efficiency of your visitations?—It acts in this way: in those parts of my district where the engine runs long hours, say fourteen and a half hours, that is accomplished in the way I have mentioned in one of my reports. It is very necessary that inspection should be made at those times when certain of the hands are alleged to be out of the mill, and ought to be out of the mill, though the machinery is running. In those cases a variance of half an hour in the clock at the factory from the true time destroys the usefulness of the inspection. I will give an instance of that: there is one of those which I wanted to visit in the district of Glossop; we had reason to suspect that the children of the weavers worked longer time than the law allowed; I forget the hour at which the mill started in the morning, but the children in the weaving-sheds were not to come in before seven in the morning; therefore it was necessary that I should visit it before seven o’clock. My object was to be there about half-past six, to see whether any of those children were in the mill or not. I went over to Staley Bridge, and slept there the night before, in order to make the visit quite unexpected; and I walked down to this mill, guiding myself by the Mottram church clock, so as to be there at the exact moment; and when I got to the mill, I found the children all there, and that the time was half an hour in advance. They were right according to their own time, but wrong according to the clock in the neighbourhood.” “You say in some of your reports that you had reason to suspect an intentional tampering with the clocks?—Of course; people do not alter their clocks from the true time except for some purpose.” Another superintendent is asked,<sup>b</sup> “Have you any difficulty in ascertaining whether the hours of work have been accurately observed at mills, in consequence of any tampering with the clocks?—In some instances I find the clocks vary, so that it is impossible to say what hours the mills do run.” “Consequently it is extremely difficult for you to ascertain whether the hours are really observed?—I have very great difficulty in that respect; I remarked once to a mill-owner that he was starting too soon in the morning, and I have his letter in reply, stating, that if he knew that he was acting illegally in starting so soon, he would have put his clock on a quarter of an hour.”<sup>c</sup> Your Committee would suggest that every precaution should be taken to prevent such evasions, and to ensure regularity in the observance of time during the hours of work in factories.

<sup>a</sup> 2287-2289.

<sup>b</sup> 2508, 2509.

<sup>c</sup> 1208.

In the last place, Your Committee have taken into full consideration the propriety of including the children in the silk and lace mills within the protection of the law.<sup>d</sup> The inspectors and their superintendents who were examined before Your Committee are unanimous and decided in their opinions, that these children both need and are entitled to such legislative protection.

<sup>d</sup> 1630-1635. 1684.  
2124-2128.  
2163-2169.  
2481-2483.  
2486-2490.  
3349.

Your Committee, in deliberating on the measures which in their opinion ought to be adopted in reference to silk mills, see no reason why those in which the process of spinning waste silk is carried on should not be placed under the same regulations as cotton, flax, woollen and worsted mills, and they recommend that such a course should be adopted.

But they cannot arrive at the same conclusion with respect to silk mills, in which the process is confined to "winding and throwing silk," and in which so many children are absolutely requisite that it would be extremely difficult to introduce the same regulations which have been recommended for adoption in the case of cotton and other mills, previously adverted to in this report.

Your Committee therefore recommend, that for this branch of the subject a separate legislative measure should be introduced.

The inspectors and superintendents who have lace factories within their districts have given ample evidence respecting the cruel and unnatural employment of children in these factories. An inspector is asked,<sup>a</sup> "Have you many lace mills in your district?—I have about 30 mills; Derby and Nottingham have always formed a portion of my district, and there of course is the great body of the lace trade. I had also the lace trade in the district I formerly visited in the west of England, because I had Chard and Tiverton." "What are the usual hours of work in those mills?—The usual hours of work are, about Nottingham, 20 hours a day, being from four o'clock in the morning till twelve o'clock at night. About Chesterfield, the report I have had from the superintendent is, that they work 24 hours, all through the night, in several of the mills there." "Are there many children and young persons in those mills?—The proportion of children and young persons is less in lace mills than in others, but it is necessary to have some of them; the process of winding and preparing the bobbins and carriages requires children and young persons; those that I saw so employed were from 10 to 15 years of age." "Are the children detained in the mills during a considerable period of the day and night?—I can speak from information derived from two or three mill-owners, and also more extensively from reports by one of the superintendents in my district, whom I directed to visit some of the mills, and I should say that, in most of the mills, they do detain them at night; in some of them, the report states that they are detained all night, in order to be ready when wanted; the hours at which they are at work are not excessive, because they may in eight hours do what is wanted for keeping the machinery at work for a great many more hours." "Are those mills in which the children are detained all night, mills worked by hand or by power machinery?—The power factories are the only ones I have had an opportunity of entering into, but the parties that have given me the information about this assure me that it is more frequent in mills where the machinery is worked by hand." "Are the children that are so detained liable to be detained throughout the day, and do they sometimes begin their work at twelve o'clock at night?—In the mills at Nottingham there are owners that make it a rule that they will not keep the children after eight or nine or ten o'clock, according to the inclination of the mill occupier." "Where are those children during the time they are detained in the mill?—When detained at night, and not employed, I am told they are lying about on the floor." "Consequently, those young children are detained very many hours indeed from their homes?—They are, in some mills." "Is it customary to close at eight on Saturday evening in lace mills?—I think it is." "How, then, do they compensate for the loss of those four hours' work in those mills?—By working all night on Friday; those are the mills in which they pay so much for their power; but Fishers and others, who have their own steam-engine, do not make an habitual practice of doing so." "Must not there be a considerable wear and tear upon the physical constitution of children who are kept in this state?—I think there must be; I think it is self-evident." "Is there any possibility of their obtaining education under those circumstances?—None whatever, except on Sundays." "But, after 120 hours' work in the week, is it possible that they can have much capacity for study on the Sunday?—It is not always that the same children are kept

<sup>a</sup> 3085-3101.

kept 20 hours, because some mills have two complete sets of hands for their machinery, and they work the same set of hands only 10 hours." "But, even under those circumstances, it must frequently happen that the same children are employed during the night twice or thrice in the course of a week?—The practice generally is, that they take the night work for one week, and then the next week the morning work." "So that during one whole week they are employed in the night work?—Yes." "At the end of a week, during which they have been employed in the night, do you think they have much capacity left for study on the Sunday?—No; their hours of work are not very great; my own opinion is, most decidedly, that either turning out at four o'clock in the morning, or being kept out of bed at night, must be most injurious to children, both to their physical constitution and their mental powers."

"Do you recollect this passage in one of your reports: 'These factories consist of buildings in which persons of all ages and sexes are congregated together; the young persons and children are removed from the protection and control of their parents, and are thus subject to all the evils of the factory system?—Exactly so; the effect of the hand-mills at Norwich and elsewhere is exactly the same; in fact, the steam-engine and the water-wheel do not injure the child; they benefit it, inasmuch as they propel the machinery at one regular speed throughout the day, which cannot be secured with machinery propelled by hand.'"<sup>a</sup> "How long do those smaller children work in those cases?—They are kept in proportion longer; sometimes they come at five or six in the morning, and remain till ten or eleven at night." "The law as it stands does not prevent the children from being employed even 20 hours?—It does not apply to lace mills." "Therefore the period of duration which the child is employed depends upon the varying humanity of the individual proprietor of the mill?—Yes." "You say that it sometimes happens that the children come to the mill at five in the morning, and do not leave it till ten at night?—It is so reported to me that it does so happen about Chesterfield."<sup>b</sup> "And therefore the hardship that the child has to endure in the lace mill is less?—There is not the same disadvantage from the heat of the mill, nor from the dust of a coarse cotton mill; but as regards the labour of the child, I should say that the labour, while it is employed, is worse in the lace factory than in any other factory." "What labour is that you are speaking of?—I am now speaking particularly of the threading, the exertion for the eye with regard to threading through a very fine aperture; another part of a child's work is winding the cotton on a bobbin; when employed on either process he does it sitting down; now I think it is rather better for children to be running about than always sitting in one position; but in a lace factory the child is consecutively at work in one position for three hours. It requires about three hours from the time that the piece is taken off the machine to strip the bobbins and take them out of the carriages and clean them, and put them on the carriages again and thread them, which is a very fine operation." "What is the interval between those two operations?—It is very uncertain." "If a child is kept in winter till twelve o'clock at night, and has then to go home and return to the factory in the morning, a distance of two miles, does not he undergo fearful hardships?—Certainly."<sup>c</sup> "You have said that the intervals between the time of their being employed are uncertain, and therefore they are obliged to be in attendance, though not actually at work?—Uncertain, in this way: perhaps there is one set of children to wind the bobbins of three twisting machines, and those twisting machines finish their work at uncertain hours; it is more uncertain in a hand-mill than a power factory, for the very fact that one man works slower than another, may make him an hour longer than the other; but even with a steam-engine, a greater or less number of threads breaking makes it uncertain when a piece of goods will come off the machine; but the moment that a piece of goods comes, the children must be ready to wind." "So that they are obliged to be in

<sup>a</sup> 3112-3115.

<sup>b</sup> 3121-3124.

<sup>c</sup> 3135, 3136.

\* 3140.

attendance, even though they are not at work?—Yes.”<sup>a</sup> “If you cannot say how long they are obliged to work, can you say how long they are in attendance at the mill?—I am told that they are in attendance as early as four or five in the morning, and at other times kept up till ten or eleven at night, and even till twelve at night, if a piece of goods happen to come off; if a piece of goods come off at nine o’clock, it takes three hours to prepare it, and the children cannot leave till twelve o’clock.”

\* 3311-3331.

A superintendent states,<sup>b</sup> “Are you not of opinion that it is desirable that all lace mills should be subjected to the provisions of this Act?—Yes.” “Would you extend the recommendations you have made to lace mills as well as others?—Yes.” “Do not you find that this night work is extremely injurious both to health and morals?—Yes.” “And that though the children may not be worked during the whole time, so long a detention from their homes is extremely prejudicial?—Yes.” “Are they not called up at all hours of the night?—They are; when the lace machines are at work, they are generally at 20 hours per day.” “When they give over at eight o’clock on Saturday night, they lose, of course, four hours that day; then that is made up by their being worked the whole of the night on the Friday night; and the children from nine to fifteen years of age are obliged to be in the mills during the whole night and the day too.” “And even when not detained the whole night, they are usually detained till 10 or 11 at night?—They very seldom get out till 10 or 11; they are probably not more than eight hours actually employed, but they must be either in the mill or on the premises for all that length of time; and where the lace mills are worked 24 hours a day, the children must be, during the whole of that 24 hours, either on the premises or where they can be called out of bed whenever they are wanted.” “Consequently, it often happens that they do not get to bed at all?—Yes.” “Is that for one day after another?—Regularly; the machines are worked by persons of 14 years of age and upwards, and they are worked in relays; where they work 20 hours a day, they have two relays, that is, 10 hours and 10 hours; where they are worked 24 hours, they have three eight hours; every week they change about. As for the threaders, they do not work the machines; they have merely the threading of the bobbins and carriages connected with the lace machines; but they are obliged to be in attendance during the whole of the time that the machine is at work.” “The whole 24 hours?—If it is worked 24 hours, the same set of children must be in or about the premises during the whole time.” “What opportunity have those children of education?—None whatever.” “Are not young people of both sexes congregated together at all hours of the night?—Certainly.” “Are the children often called to begin their work at 12 o’clock at night?—Yes.”<sup>c</sup> “What effect have you observed this to produce upon the health of those younger children?—Decidedly injurious; their very countenance speaks it. So desirous was I of getting the real matter of fact connected with lace machines, that I personally went into the lace mills, though I had no power. I asked the consent of the mill-owner courteously and politely, and I must do them the credit to say that in no one case was I ever refused, and I found a disposition generally to come under the regulations of the Factory Act, provided the machines that were propelled by manual labour could be brought under the same provisions as those propelled by steam or water power.” “It has been stated by Mr. Saunders that the children are confined only 10 hours a day in the mills; that there is a relay in the course of the 24 hours in which the mill is at work; what do you know with regard to the fact?—The fact is this, that the threaders, that is, children from 9 to 14 or 15 years of age, are not actually worked more than about seven to eight hours a day, but then they must be in the mill, or on the premises, or within call, whenever they are wanted, so long as that lace machine is at work.” “The same set of children?—Yes.” “Suppose the mill should run for 20 hours or 24 hours, must those children

\* 3334-3339.

dren be either on the premises or within call for the work whenever they may be summoned to it?—Assuredly.” “The same set of children?—Yes, in all cases except one; I have found one exception, and only one, to that rule.”

On the other hand, the owner of a lace-factory worked by power states, that only one-tenth of the persons whom he employs are under 13 years of age,<sup>a</sup> and that he would not find any difficulty in dispensing with the employment of such children altogether.<sup>b</sup> He also states, that although, in consequence of the great amount of the fixed capital invested in lace-factories, it is often found necessary to work the machinery for long hours,<sup>c</sup> namely, from four in the morning till ten at night,<sup>d</sup> yet that by employing two sets of hands arrangements are made to prevent the necessity for any person's attending in the mill for more than 12 hours in the day,<sup>e</sup> and that he has never known an instance of any person's being employed in a lace-factory from four in the morning till ten at night, though he cannot undertake to state that such a case may not have occurred.<sup>f</sup> The witness is of opinion that the labour of attending a lace-machine is very light and much less severe than that of working a hand-machine; <sup>g</sup> that abuses are more prevalent in the case of the hand-machines;<sup>h</sup> and that as a close competition exists between these two branches of the trade,<sup>i</sup> and as power-machines are very easily convertible into hand-machines,<sup>k</sup> the effect of applying the provisions of the Factory Act to power-machines exclusively would, in his view, be to substitute a very severe labour for a very light species of employment.<sup>l</sup> The witness denies that employment in bobbin-net lace-factories is injurious to the eye-sight,<sup>m</sup> but he believes that embroidering lace, which is carried on in private houses,<sup>n</sup> is prejudicial to the health,<sup>o</sup> and he fears that these two branches of the trade have been confounded.<sup>p</sup>

<sup>a</sup> 9936.  
<sup>b</sup> 9937.  
<sup>c</sup> 9976-9978.  
<sup>d</sup> 9944.  
<sup>e</sup> 9955.  
<sup>f</sup> 9960.  
<sup>g</sup> 9979.  
<sup>h</sup> 9961.  
<sup>i</sup> 9965, 9968.  
<sup>k</sup> 9971.  
<sup>l</sup> 9979.  
<sup>m</sup> 10091.  
<sup>n</sup> 9989.  
<sup>o</sup> 9991. <sup>p</sup> 9993.

For similar reasons as those which have governed their opinion in the case of the silk trade, and seeing difficulties in bringing the lace manufactory under the same regulations as those which will apply to cottons, woollens and worsted, Your Committee would recommend to the serious consideration of The House the condition of children and young persons engaged in mills for the manufacture of lace, in order to their being placed under the regulations of a Bill hereafter to be introduced.

Your Committee, in closing their Report, would earnestly impress upon The House the necessity of speedy legislation on the different subjects adverted to. The disclosure of the various defects in the Act has much facilitated the evasion of it; and they greatly apprehend that any longer delay will hold out a temptation to many persons to violate those provisions which, as will be manifest from the evidence before Your Committee, cannot be strictly enforced by the inspectors. It is, moreover, exceedingly desirable that the several causes of heartburning and mutual distrust between the employer and the employed should be abated, and, if possible, removed; that, by the revival of a good understanding on all sides, those feelings of confidence and co-operation may be restored which are essential to the comfort of every party, to the prosperity of the trade, and the welfare of the nation.

R E P O R T  
FROM THE  
SELECT COMMITTEE  
ON  
THE ACT FOR THE REGULATION  
OF  
MILLS AND FACTORIES.

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*Ordered, by The House of Commons, to be Printed,  
18 February 1841.*

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56.

*Under 8 oz.*

# **R E P O R T**

**FROM**

**STANDING COMMITTEE**

**ON**

**THE LIBRARY OF THE HOUSE.**

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*Ordered, by The House of Commons, to be Printed,*  
*18 June 1841.*

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*Veneris, 5<sup>o</sup> die Februarii, 1841.*

*Resolved*, THAT a Standing Committee be appointed of Sixteen Members, to assist Mr. Speaker in the direction of the Library, to whom shall be referred all matters relating thereto.

And a Committee was appointed :—

Sir Robert Harry Inglis.	Mr. Williams Wynn.
Mr. Chancellor of the Exchequer.	Mr. Warburton.
Sir Robert Peel.	Mr. Gladstone.
Sir Henry Hardinge.	Mr. Fazakerley.
Dr. Lushington.	Mr. Gally Knight.
Mr. Goulburn.	Mr. Acland.
Mr. Shaw.	Lord Viscount Mahon.
The Lord Advocate.	Mr. Pendarves.

## PROCEEDINGS OF THE COMMITTEE.

*Martis, 6<sup>o</sup> die Aprilis, 1841.*

PRESENT :

Mr. Speaker.	Lord Advocate.
Sir R. H. Inglis.	Mr. Warburton.
Mr. Gally Knight.	

*Resolved*, That it is the opinion of this Committee, that it is desirable that there be a complete and uniform edition of the Statutes of England, Scotland, Ireland, and the United Kingdom.

*Martis, 8<sup>o</sup> die Junii, 1841.*

PRESENT :

Sir R. H. Inglis.	Mr. F. Shaw,
Mr. Pendarves.	Mr. Acland.

Resolution of 6 April considered, and Mr. Speaker requested to prepare a Draft Report in accordance with that Resolution.

*Veneris, 18<sup>o</sup> die Junii, 1841.*

PRESENT :

Mr. Speaker.	Mr. Pendarves.
Sir R. H. Inglis.	Mr. Gally Knight.
Lord Advocate.	Mr. Fazakerley.
Mr. Acland.	Mr. Wynn.

Report considered, and agreed to.

## R E P O R T.

YOUR Committee, considering that a knowledge of the existing Statute Law of the Empire is essential to any new legislation, regret that it is impossible for this House to furnish to its Members, and that it is exceedingly difficult for any individual Member to procure, at any cost, a complete collection of such Statute Law.

The impression of the magnificent work entitled the "Statutes of the Realm," extending from Magna Charta to the close of the reign of Queen ANNE, was limited to 500 copies; these have been distributed, partly by gift to public libraries at home and abroad, and partly, though in a small proportion, by sale, and there is not one complete copy now remaining in store. However valuable this work is as a transcript of an original record, its very fidelity in preserving all the abbreviations of the original, renders it obviously less valuable for general use and reference.

It is nearly impossible to procure a regular series of the King's Printers Acts from any period before the Union with Ireland to that date; and the deficiencies in the series can only be filled up by the "Statutes at large," which work, however correct so far as it goes, is a private publication, from which all repealed and temporary Acts are left out.

The Acts of the Parliament of Scotland must be sought for, either in the old and rare editions in 12mo., or in the edition of Mr. Thomson, which, though a work of the greatest accuracy and magnificence, is yet printed with the same contractions as the "Statutes of the Realm," and is therefore in the same degree more suitable for an antiquary than for Members in general. The first volume of the series is still unpublished.

The Statutes of the Parliament of Ireland are found only in the collection published by the Irish House of Lords, which is a handsome and costly work, seldom to be met with; and though, of course, not so frequently referred to now as the Statutes of England, is still essential to the Library of a Legislator.

It may be added, that no editions, either of the Scotch Acts or the Irish Statutes, are of a size suited to form a series with any edition which has been published of the Statutes of the United Kingdom.

Your Committee therefore recommend, that, under the authority of The House, and under the superintendence of Mr. Speaker, a new and complete edition of all the Statutes of the United Kingdom, including those of England, Scotland, Great Britain, and Ireland, be forthwith undertaken.

Your Committee have had under their consideration the expediency of publishing those Acts which have been repealed, or which were of a temporary nature; and they are of opinion that it would be of advantage, for the purpose of keeping up a connected view of the legislation of the Empire, to show what laws have been repealed or have expired; such Statutes to be inserted chronologically, but distinguished by different types. It is enough to add, that the foundation of many of the decisions which govern the construction of the existing Statutes is to be traced to Statutes which have been repealed.

Additional value would be given to the proposed edition, if notes and references were appended, showing in what respect any Statute had been altered or amended; and also if references to reported decisions of Courts of Justice formed part of the marginal illustrations of the work.

Your Committee have reason to think that such a mode of explaining and illustrating the Statutes would be most useful; and they further recommend that a General Index and full Digest of all the Statutes should accompany the work.

18 June 1841.

R E P O R T

FROM

STANDING COMMITTEE

ON THE

LIBRARY OF THE HOUSE.

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*Ordered, by The House of Commons, to be Printed,  
18 June 1841.*

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422.

*Under 1 oz.*

# R E P O R T

FROM THE

SELECT COMMITTEE

ON

METROPOLIS IMPROVEMENTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

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*Ordered, by The House of Commons, to be Printed,  
11 June 1841.*

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*Martis, 27<sup>o</sup> die Aprilis, 1841.*

*Ordered, THAT* a Select Committee be appointed to take into consideration the several Plans for the Improvement of the Metropolis, concerning which Reports were made to this House in the years, 1836, 1838, 1839, and 1840, together with any other Plans, for the same object, which they may deem worthy of consideration; and also the Petitions presented to this House for the purchase of the Interests of the Proprietors of *Waterloo*, *Southwark*, and *Vauxhall* Bridges, in order to their being immediately opened to the use of the Public free from Toll; and to report their Opinion as to the expediency of adopting any of the said Improvements, and also as to the best means of carrying the same into effect.

*Jovis, 29<sup>o</sup> die Aprilis, 1841.*

A Committee was nominated of—

Sir Matthew Wood.  
Mr. Edward John Stanley.  
Sir Robert Peel.  
Mr. Herries.  
Sir Robert Harry Inglis.  
Lord Viscount Lowther.  
Mr. Pendarves.  
Mr. Clay.  
Colonel Thomas Wood.,  
Mr. George Palmer.

Mr. Robert Steuart.  
Mr. Barnard.  
Sir De Lacy Evans.  
Mr. Wakley.  
Sir Benjamin Hall.  
Mr. Planta.  
Mr. Kemble.  
Mr. Alderman Humphery.  
Mr. Hawes.

*Ordered, THAT* the Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

## R E P O R T.

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The SELECT COMMITTEE appointed to take into consideration the several PLANS for the IMPROVEMENT of the METROPOLIS, concerning which Reports were made to this House in the Years 1836, 1838, 1839, and 1840, together with any other Plans, for the same object, which they may deem worthy of consideration; and also the Petitions presented to this House for the purchase of the Interests of the Proprietors of *Waterloo*, *Southwark*, and *Vaughall* Bridges, in order to their being immediately opened to the use of the Public free from Toll; and to report their Opinion as to the expediency of adopting any of the said Improvements, and also as to the best means of carrying the same into effect; and to whom several Petitions were referred;— HAVE considered the matters to them referred, and agreed to the following REPORT:

YOUR Committee, considering the late period at which they commenced their Inquiries, and, consequently, that the Evidence which they have been able to obtain is incomplete, consider that they best discharge the duty confided to them by abstaining from submitting such Evidence to The House, or any opinion on the subject-matter referred to them; but they cannot separate without representing to The House their Opinion, that the Inquiry ought early to be revived in the next Session of Parliament.

11 June 1841.

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# PROCEEDINGS OF THE COMMITTEE.

*Veneris, 3<sup>o</sup> die Maii, 1841.*

Members Present:

Sir Matthew Wood, Bart.  
Mr. George Palmer.  
Mr. Planta.

Sir De Lacy Evans.  
Mr. Kemble.  
Mr. Clay.

SIR MATTHEW WOOD, BART., CALLED TO THE CHAIR.

Order of reference read.

*Ordered*, That there be laid before this Committee a Return, showing what Sum can be raised by a New Duty of Sixpence per Ton on Coals imported into the Port of London, charged to the period at which its present Duties expire.

[Adjourned till Wednesday, at Twelve o'clock.

*Mercurii, 5<sup>o</sup> die Maii, 1841.*

Members Present :

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Kemble.  
Sir Robert Inglis.  
Mr. Planta.  
Mr. George Palmer.  
Mr. Herries.

Mr. Hawes.  
Lord Lowther.  
Sir De Lacy Evans.  
Mr. Barnard.

Order of reference read.

The Committee then determined as to the course of their proceedings.

*Sir Robert Smirke* examined.

*Mr. Lawrance* examined.

*Mr. Pemberton* examined.

Petitions (referred to the Committee) read.

*Mr. Cope* examined.

Motion made (by *Mr. Hawes*), That the witness be not now examined any further, and that the witness do attend this Committee on Wednesday next, at Twelve o'clock.

Agreed to.

*Mr. Powell* examined.

*Mr. Leith* examined.

*Mr. Tyrell* examined.

[Adjourned till Wednesday next, 12 May, at Twelve o'clock.

*Mercurii, 12<sup>o</sup> die Maii, 1841.*

Members Present :

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Barnard.  
Mr. Herries.

Mr. Alderman Humphery.  
Mr. Kemble.

The *Chairman* read a copy of a correspondence between the Corporation of London and the Chancellor of the Exchequer with regard to the mode of advancing the Money for the recommendations of the Committee of last year.

*Ordered*, That the Committee be summoned to consider the same on Friday next, at Two o'clock.

Mr. *Thomas Jeffery* examined.

Mr. *Henry Cope* examined.

Mr. *John Ballard Byron* examined.

Mr. *George Walker* examined.

Mr. *George Powell* examined.

Mr. *Richard Edwards* examined.

Mr. *Robert Stainton Dixon* examined.

[Adjourned till Friday, at Two o'clock.

*Veneris, 14<sup>o</sup> die Maii, 1841.*

Members Present :

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Clay.  
Sir B. Hall.  
Mr. Planta.

Lord Lowther.  
Mr. Palmer.  
Mr. Alderman Humphery.

Sir *John Henry Pelly*, Bart., Governor of the Bank of England, and *William Cotton*, Esq., Deputy Governor of the Bank of England, called in, and explained the intentions of the Bank of England with respect to the alterations now making near the Royal Exchange.

*Ordered*, That the Committee be summoned for Wednesday at Twelve o'clock, to consider the priority of the sum of 40,000*l.* granted to the Corporation of London, and of the immediate advance of 514,000 *l.* by the Chancellor of the Exchequer.

[Adjourned till Wednesday, at Twelve o'clock.

*Mercurii, 19<sup>o</sup> die Maii, 1841.*

Members Present :

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Hawes.  
Sir R. H. Inglis.  
Mr. Alderman Humphery.

Mr. Kemble.  
General Evans.

The Committee deliberated.

(Letter of Mr. *Samuel Mills* read.)

Mr. *Jones* examined.

Committee deliberated.



Motion made (Mr. *Hawes*), and Question proposed, "That the consideration of the advance of 40,000 *l.* to the City be postponed."

Agreed to.

*Resolved*, That the Chancellor of Exchequer be requested to attend the Committee.

[Adjourned till Wednesday next, at One o'clock.

*Mercurii, 26<sup>o</sup> die Maii, 1841.*

Members Present:

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Hawes.  
Mr. George Palmer.

Sir Robert Inglis.  
Mr. Barnard.

Mr. *Chancellor of the Exchequer* attended, and made a statement to the Committee respecting the money to be raised for the Metropolis Improvements.

Motion made (Sir *Robert Inglis*), "The Chancellor of the Exchequer having this day attended the Committee, and having expressed his desire to meet the recommendation of the Committee of 1840, requesting for this purpose to be furnished with specific information as to the times and sums when the aggregate sum of 533,000 *l.* involved in that recommendation will be required,

"*Resolved*, That there be prepared a schedule specifying the dates and sums at which, and in which the advance of 533,000 *l.* recommended for Metropolis Improvements by the Committee in July 1840, will be required, and that this schedule be laid before the Chancellor of the Exchequer, in order to enable him to meet the recommendations of the said Committee."

[Adjourned till Wednesday, at One o'clock.

*Mercurii, 2<sup>o</sup> die Junii, 1841.*

Present:

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Herries.  
Mr. Alderman Humphery.  
Mr. Kemble.

Mr. Palmer.  
Lord Lowther.

Mr. *Mills* examined.

Mr. *Jones* examined.

Mr. *Pemberton* examined.

Mr. *G. Ware* examined.

[Adjourned till Wednesday, at One o'clock.

*Mercurii, 9<sup>o</sup> die Junii, 1841.*

Members Present:

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Mr. Humphery.  
Mr. Palmer.  
Mr. Barnard.

Sir R. H. Inglis.  
Mr. Kemble.

Mr. *Josh. Myatt* examined.

*Thomas Alers Hankey*, Esq. examined.

Mr. *Richard Ward* examined.

Petition presented from Lambeth, read.

Draft of Report considered.

[Adjourned to Friday, at Two o'clock, to be summoned for final consideration of Report.

*Veneris, 11<sup>o</sup> die Junii, 1841.*

Members Present:

SIR MATTHEW WOOD, BART., IN THE CHAIR.

Sir R. H. Inglis.  
Mr. Kemble.

|  
Mr. Pendarvis.  
Mr. Herries.

Motion made (Sir *R. H. Inglis*) and Question put and agreed to, "The Committee taking into consideration that the Evidence already received is insufficient to enable them to come to any satisfactory conclusion or recommendation on the subject-matter referred to them, and that the advanced state of the Session does not enable them to obtain such additional Evidence, and to give such further consideration to the said subject as might justify them in submitting to The House any Report upon the Evidence, or even the Evidence itself, resolve to adopt the following Report:

"Your Committee considering the late period at which they commenced their inquiries, and, consequently, that the Evidence which they have been able to obtain is incomplete, consider that they best discharge the duty confided to them by abstaining from submitting such Evidence to The House, or any opinion on the subject-matter referred to them; but they cannot separate without representing to The House their opinion that the inquiry ought early to be revived in the next Session of Parliament."

Report read and agreed to.

To Report.

**R E P O R T**  
**FROM THE**  
**SELECT COMMITTEE**  
**ON**  
**METROPOLIS IMPROVEMENTS:**  
**TOGETHER WITH THE**  
**PROCEEDINGS OF THE COMMITTEE**

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*Ordered, by The House of Commons, to be Printed,*  
*11 June 1841.*

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398.

*Under 1 oz.*

# **R E P O R T**

**FROM THE**

**SELECT COMMITTEE**

**ON**

**POST-OFFICE COMMUNICATION  
WITH IRELAND;**

**TOGETHER WITH THE**

**MINUTES OF EVIDENCE,**

**AND**

**APPENDIX.**

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*Ordered, by The House of Commons, to be Printed,*  
*11 June 1841.*

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*Martis, 25<sup>o</sup> die Maii, 1841.*

*Ordered, THAT* a Select Committee be appointed to inquire into the Post-office Communication between Great Britain and Ireland.

*Veneris, 28<sup>o</sup> die Maii, 1841.*

And a Committee was nominated of—

Lord Viscount Ingestre.  
Sir Henry Parnell.  
Mr. William Owen Stanley.  
Mr. Lucas.  
Sir Robert Ferguson.  
Sir Denham Norreys.  
Sir Ormsby Gore.  
Captain Winnington.

Mr. Winston Barron.  
Mr. Shaw.  
Mr. Corry.  
Mr. Blair.  
Lord Robert Grosvenor.  
Mr. Dunbar.  
Mr. Philip Miles.

*Ordered, THAT* the said Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the said Committee.

THE REPORT	- - - - -	p. 3
MINUTES OF EVIDENCE	- - - - -	p. 5
APPENDIX	- - - - -	p. 8

## R E P O R T.

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The SELECT COMMITTEE appointed to inquire into the POST OFFICE COMMUNICATION between *Great Britain* and *Ireland*, and to whom a Petition was referred, and who were empowered to report the MINUTES OF EVIDENCE taken before them to the House;—HAVE examined the matters to them referred, and have agreed to the following REPORT:

YOUR Committee have commenced the inquiry referred to them, but in consequence of the approaching termination of the present Session, they have not considered it expedient to incur Expense by summoning Witnesses from a distance. They therefore simply report the Evidence already taken before them, and in so doing state their opinion, that there is good ground for supposing that great improvement may be made in the Post-office Communication with Ireland, and that the subject is well worthy the attention of this House. And they further express their hope that a Committee may be appointed to inquire into this important subject in a future Session.

11 June 1841.

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# ATTENDANCE OF MEMBERS.

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*Lunæ, 7<sup>o</sup> die Junii, 1841.*

Present :

Mr. P. Miles.  
Sir R. Ferguson.  
Mr. Blair.  
Lord Ingestre.  
Mr. W. O. Stanley.

Mr. Corry.  
Mr. Dunbar.  
Capt. Winnington.  
Mr. O. Gore.  
Mr. Lucas.

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*Veneris, 11<sup>o</sup> die Junii, 1841.*

Present :

LORD INGESTRE IN THE CHAIR.

Mr. W. O. Stanley.  
Sir R. Ferguson.

Mr. Barron.  
Mr. Corry.

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# MINUTES OF EVIDENCE.

*Mercurii, 9<sup>o</sup> die Junii, 1841.*

## MEMBERS PRESENT.

Mr. W. Barron.  
Mr. Corry,  
Sir Robert Ferguson.  
Mr. Ormsby Gore.  
Lord Viscount Ingestre.

Mr. Lucas.  
Sir Denham Norreys.  
Sir H. Parnell.  
Mr. Shaw.  
Mr. W. O. Stanley.

LORD VISCOUNT INGESTRE, IN THE CHAIR.

*George Stow, Esq.* called in; and Examined.

1. *Chairman.*] YOU are Superintendent of Mail Coaches?—I am.
2. You attend the Committee by Colonel Maberly's direction?—I do.
3. The Committee would wish to be informed of the existing mode of the transmission of letters from London to Dublin?—Perhaps I had better explain that from London, the Dublin mails are taken to Liverpool by railway; the mail leaving the Post-office at eight o'clock in the evening, and reaching Liverpool at six the next morning, it is put on board the packet at about half-past six, and is due in Dublin between half-past six and seven in the evening, in time for the dispatch of all the mails into the interior of Ireland at nine o'clock.
4. Can you state the time required for sorting the letters after the mail arrives in Dublin?—I think that information can best be obtained from Mr. Godby, the secretary of the Irish office.
5. *Mr. Shaw.*] You state that the train arrives in Liverpool at six o'clock in the morning, how soon after does the packet leave?—I believe the average time is 40 minutes after six.
6. Can you state what is the usual time occupied in the passage across?—The average passage is 12 hours.
7. *Chairman.*] What time do you allow from the landing of the mail to the letters reaching the Post-office?—I do not exactly know; it goes by the railway from Kingstown; but I think about half an hour.
8. Can you state the average time that the conveyance of the mail from Post-office to Post-office would occupy?—About 23 hours, I think; I have gone with the mail myself in 23 hours.
9. *Mr. Shaw.*] At what time do the country mails leave Dublin?—All at nine o'clock.
10. *Sir R. Ferguson.*] Can you give the Committee any information as to the proposed change by embarking the mails on the Cheshire side of the Mersey?—We propose to make the change on the 15th of this month by sending the mails from Crewe through Chester to Birkenhead, to be embarked at Birkenhead-ferry.
11. *Mr. Ormsby Gore.*] Can you state what time that will save?—About half an hour.
12. *Mr. W. O. Stanley.*] Can you state what accommodation there will be at the Birkenhead side of the river Mersey?—For the mails we make provision; they will be sent from the railway station at Birkenhead to the pier in a mail-cart, and embarked in a boat provided by the Admiralty.
13. *Mr. Corry.*] Can a steamer come alongside the pier at high water?—I believe not, but it can come within a very short distance.

*George Stow, Esq.*

9 June 1841.

14. *Chairman.*]



## 6 MINUTES of EVIDENCE taken before SELECT COMMITTEE

George Stow, Esq.

9 June 1841.

14. *Chairman.*] Where is the steamer to lie?—Close off the pier.
15. *Mr. Ormsby Gore.*] You state that the present average time occupied in the conveyance of the mail is 23 hours, and that by the mail being sent from the Birkenhead side of the Mersey, the time occupied will be 22 hours and a half?—Yes.
16. *Sir Denham Norreys.*] What distance will the railway station be from the pier?—About three or four hundred yards.
17. How much time will be saved by the distance, and by the greater facility in putting the mail on board?—The saving in distance is eight miles, and I should say, you might get the mails on board in 12 minutes from the station at Birkenhead.
18. What then should you say would be the saving in time?—We shall do away with all sorting in Liverpool, which occupies 20 minutes, and there is the distance of eight miles saved, which is perhaps a saving of a quarter of an hour.
19. That will be 35 minutes?—Yes.
20. Is there not also greater facility for putting the mail on board at Birkenhead?—At times there is greater facility at Liverpool, because the packet can come up to the pier.
21. Is not the railway station at Birkenhead much nearer than it is at Liverpool?—Much nearer.
22. Have the Post-office taken into their consideration the possibility of increasing the speed at which letters are carried on the line through Cheshire?—They have.
23. Are any arrangements in progress for the purpose of increasing the speed?—They are not, but I have had a conversation with Colonel Maberly upon the subject this morning.
24. You have had no negotiation as yet with the railway companies, as to the increase of speed?—We have not.
25. Do you propose to have any such negotiation?—I take for granted that we shall.
26. What is the average speed at which a letter from the station at Euston-square travels, till it is delivered in Liverpool?—I am not exactly prepared to state, but I think it is 24 miles an hour.
27. Is there any doubt that that amount of speed can be considerably increased, now that the railway is perfectly settled?—I am not prepared to say that it could; I apprehend that the railway directors would object to increasing it; they have increased between London and Birmingham half an hour in the last six months.
28. *Chairman.*] Are you aware of the time occupied in the change of the trains in Birmingham?—Twenty minutes is the time allowed, and if they exceed that, they make it up afterwards.
29. By having a train to go off the moment the mail arrived from London, might not time be saved?—Yes, that 20 minutes is not required by the Post-office, but the Railway Company would never, I apprehend, consent to the train starting immediately; in fact, they wished for more than 20 minutes, but we struck off 10 minutes.
30. *Sir D. Norreys.*] The Post-office have the power of preventing that delay?—Yes.
31. It is simply a question of expense?—Yes.
32. *Chairman.*] But in your opinion, the lines being divided into two lines, causes that delay in the mails?—We do not, as far as we are concerned, require above five or 10 minutes' stop.
33. *Sir D. Norreys.*] Have you any necessary delay at Wolverton?—Not for the Post-office; that is for changing engines.
34. *Sir R. Ferguson.*] Have you any necessary delay at Crewe in transferring the mail from the Grand Junction to the Chester Railway?—We shall require five minutes, perhaps, for that service.
35. *Chairman.*] In the average you have given of time, I believe you have taken into consideration the delays on the one hand, and the time saved on the other?—Yes.
36. With respect to the mails going from Birkenhead-ferry, what arrangements are made for the mails from Scotland and the northern districts, coming through  
Liverpool,

George Stow, Esq.

9 June 1841.

Liverpool, to be put on board the packet to Ireland?—They will be brought up to Parkside, which is about midway between Liverpool and Manchester, and from thence they will be taken on by a special train to Liverpool, reaching Liverpool before the London mail.

37. Will that occasion a delay in the sorting of letters on the other side of the Mersey?—No, they will be sorted at Liverpool, but they will be in there earlier than they are now.

38. All the letters are now sorted together, both of the London and the northern mails?—Yes.

39. Then, would you require a separate sorting again in Dublin or on board the packet?—They are all sorted in Dublin again; there may be some large towns for which bags are made up, but I do not think there are many.

40. Mr. *W. O. Stanley*.] Then there is of necessity some delay after the mail arrives in Dublin, owing to the sorting?—Yes.

41. You cannot say what that delay is?—I should say an hour at least.

42. *Chairman*.] Could any time be saved by having on board the packet a Post-office agent to sort the letters?—I should say it would be impossible to sort the letters in the packet for the whole of Ireland; it would add also double sets of bags to the towns in Ireland, and the coaches could not convey them.

43. Mr. *Ormsby Gore*.] You are speaking of the London letters passing from England to Ireland?—Yes.

44. What change would occur if you made the packet station on the south side of the Mersey, as you propose doing on the 15th of this month for the London letters; you say that the letters from the north are sent from Parkside to Liverpool, leaving sufficient time to sort them at Liverpool; but if you change the station to the southern side of the Mersey, would Parkside be the point where you would break off?—Yes.

45. And cross from Liverpool to Birkenhead?—Yes; or put the bags on board the steamer, without touching at Birkenhead; I believe that is the intention, putting them on board before the London mail arrives at Birkenhead.

46. Sir *D. Norreys*.] What time does the train stop at Wolverton?—Ten minutes.

47. Are those stoppages requisite for the Post-office purposes?—They are not; at a town like Birmingham, we should require some little stoppage to transfer our own bags, but five or ten minutes would do for that.

48. Then at least 20 minutes might be saved in the transmission of letters to Dublin, by not stopping on the road?—Yes.

49. And half an hour will be saved by the proposed alteration?—Yes.

50. Mr. *Shaw*.] What time do you allow for putting letters on board?—We allow 20 minutes in our bill, but I think it ought to be done in 12.

51. Do you mean at all times and in all tides?—That I am not prepared to say.

52. Do you know whether, generally, the packets can lie close to the pier?—Yes, they can; their moorings are close to the pier.

53. Does not that depend upon the tide?—I know that Captain Bevis, who is the superintendent of the packet station, at Liverpool, has given his opinion that Birkenhead is the proper place to embark the mails at.

54. But do you believe, generally speaking, that the packet can be so close to the pier as to allow the bags to be put on board in 12 minutes?—That is my impression.

55. Mr. *W. O. Stanley*.] Are you aware that the Government have entered into a contract for boats to convey passengers and bags to the steamers?—I am not aware.

56. The arrangement is to employ small open boats?—Yes, for the conveyance of the bags to the packet.

57. Mr. *Ormsby Gore*.] As to the saving of time at Wolverton and Birmingham, you can only speak so far as your knowledge goes of the Post-office communication; you do not speak as to the time necessary to stop for the change of engine?—No, certainly not; my own impression is, that the railway companies would object to a diminution of the time at those places, and that if it was forced upon them the Post-office must pay for it.

58. Mr. *Shaw*.] Will you refer to the order of the House of Commons, made on the 6th of May 1841, No. 296, as to the Liverpool and Kingstown mails, and state on what number of days between the 2d of January 1840, and the 14th of February 1841, inclusive, the evening mail-coaches left Dublin without the London mail?—One hundred and twenty-five.

George Stow, Esq.

9 June 1841.

59. Mr. *W. O. Stanley.*] What is the latest moment at which the London mails arriving in Dublin can be forwarded inland?—I will endeavour to obtain that information.

60. Mr. *Shaw.*] On what number of days would the saving of an hour in the transit have permitted of the London letters being dispatched by the evening mails from Dublin, between the 2d of January and the 14th of February 1841?—I will endeavour to obtain that information.

61. *Chairman.*] Will you proceed to state the course of the mail which leaves London in the morning?—The day mail leaves London in the morning at 15 minutes past nine; it is due at the Liverpool station at seven o'clock in the evening; the packet ought to leave Liverpool about half-past seven, and ought to reach Dublin about half-past seven, assuming the average passage at 12 hours.

62. Mr. *Shaw.*] Do you know whether the letters arrive in Dublin in time to be dispatched by any of the early mails from Dublin, or by the penny post?—I am not prepared to state whether they do, but they ought to arrive in time for the day mails from Dublin, provided the packet makes a good passage; for instance, there are day mails to Belfast, Cork, and Kilkenny, they ought to arrive in time for these.

63. At what time do the Belfast, and Cork, and Kilkenny mails leave Dublin?—The Belfast day mail leaves at 8 o'clock, the Cork mail leaves at 11, the Kilkenny leaves at half-past 8 in the morning.

64. Mr. *W. O. Stanley.*] Then the letters can never arrive in time for the Belfast and Kilkenny mails?—I have taken the average passage at 12 hours, the mail frequently arrives earlier; I have been myself in Dublin at seven o'clock.

65. But then you say an hour is required for the sorting?—Not for the letters that arrive in the morning; I think so long a time would not be required for those.

66. Mr. *Shaw.*] Do you know at what hour the letters are dispatched within the penny post district for delivery?—I do not.

67. *Chairman.*] Proceed to state the time of leaving Dublin of the mail which arrives in London in the morning?—The mail leaves the Post-office at Dublin at half-past 10 o'clock at night; it should reach Liverpool between 10 and 11 in the morning; the bags remain till seven in the evening, and are brought into London at six o'clock the following morning.

68. Mr. *Shaw.*] With respect to the letters leaving Dublin in the morning for London, what course do they take?—They come to Holyhead; that packet leaves Kingstown at half-past eight in the morning, and reaches Holyhead about half-past two in the afternoon.

69. What, then, is the course of those letters?—They travel by mail-coach from Holyhead to the railway station at Hartford.

70. At what hour does it leave Holyhead?—Twenty minutes past four in the afternoon; it now reaches Chester at 1. 53 minutes A. M. and Hartford at four o'clock, where it falls in with the up day mail, and reaches the Post-office, London, at two o'clock in the afternoon, and is delivered on that afternoon about three o'clock.

71. *Chairman.*] Will you explain the delay that occurs at Holyhead?—That is given as a sort of margin for the packet, for we work up to the railroad, and we cannot depend upon the arrival of the packet to too great a nicety.

72. Mr. *W. O. Stanley.*] After the 15th of June the mail-coach will stop at Hartford?—No; the mail-coach will stop at Chester, and the railway will take the mail on at the same time.

73. Do you know any reason why those letters should not leave Holyhead immediately upon the arrival of the packet, and reach London by six o'clock in the morning?—It is not possible.

74. *Chairman.*] Supposing a packet to leave Kingstown for Liverpool in the morning, would it not be possible to have letters in London by that means in time for the morning delivery?—A very early dispatch might do it, but not a dispatch at half-past eight; you must allow 23 hours for the journey.

75. What is the latest hour at which letters arriving in London can be delivered by the morning delivery?—The hour at which they ought to arrive is six o'clock, but of course at seven, or half-past seven, they would fall in with the delivery; they would detain the delivery for them if they were late.

76. Do not you imagine that if the mails were to arrive in Dublin half an hour or a quarter of an hour earlier than they now do, that arrangement might be effected?—

effected?—I do not know what time it would require after the arrival of the mails in Dublin, before the English packets could be dispatched, but I think any attempt to make the times of arrival of the mails in Dublin earlier than they now are, would produce great inconvenience and complaint.

*George Stow, Esq.*

9 June 1841.

77. *Mr. W. O. Stanley.*] You say that the letters reach Holyhead at half-past two, on the average; could they not leave Holyhead at three?—They could if you could ensure the arrival of the packets at half-past two in all cases.

78. What is the distance from Holyhead to Chester?—Eighty-five miles.

79. Upon the average could not the mail-coaches travel those 85 miles in eight hours?—I should say decidedly not.

80. What time could they do it in?—We have great difficulty in getting it done in nine hours and a half now.

81. Are you not aware that there are persons at present offering to contract to do it in eight and even seven hours?—No, I am not.

82. What is the rate at which the Birmingham, Shrewsbury, and Holyhead mail runs?—The distance from Birmingham to Holyhead is 150 miles six furlongs, and they take 15 hours 27 minutes.

83. How many miles an hour is that?—About ten.

84. If the Birmingham, Shrewsbury, and Holyhead mail runs 10 miles an hour why could not the Chester and Holyhead do the same?—I am not aware that there is anything in the state of the road to prevent it, but we have always had great difficulty in working it at any speed on that line.

85. Is not that because you will not give mileage sufficient?—I am not aware.

86. Even supposing that you are obliged to run that mail at nine miles and a half an hour, at what hour would you arrive at Chester, leaving Holyhead at three?—You might save half an hour by it.

87. How long would a train be taking the mail from Chester to London?—I have not that bill with me, but I think they are to take an hour to go from Chester to Crewe.

88. How long from Crewe to London?—About eight hours.

89. Consequently, by the existing line from Holyhead through Chester, letters might arrive by a special train in London by half-past nine in the morning, if they left Holyhead at three and Dublin at eight in the morning?—Yes, if we could get the mails worked at the rate of 10 miles an hour.

90. *Mr. Shaw.*] Are you aware that the Government contract mail-boat leaves Kingstown every evening at half-past five o'clock?—Yes.

91. What letters does that mail-boat carry?—That is for the Yorkshire and Lancashire letters; it reaches Liverpool on the average about five in the morning; the up-day London mail has left, but the letters are conveyed into all parts of Yorkshire and Lancashire at nine in the morning, which arrive by that packet.

92. Does that mail-boat carry any London letters?—No; it was established chiefly for the Lancashire correspondence, and it is now carried on to Hull, to York, and to Leeds.

93. *Mr. Corry.*] Does that mail carry letters for Birmingham?—It does; there is a train between Birmingham and Liverpool in the course of the day, which would convey any letters arriving by that packet; it leaves at half-past 10 or 11.

94. What letters go from Holyhead to Dublin?—That packet, I believe, leaves Holyhead about half-past six in the evening, after the arrival of the mail-coach from Birmingham, and it would take all the letters from the line of road; it would not take any London letters; and it reaches Kingstown about half-past twelve at night.

95. *Chairman.*] The object of sending that mail being probably that the mail must return, and therefore it takes the country letters?—Yes, I apprehend so.

96. And also for the conveyance of passengers?—Yes.

97. *Mr. Corry.*] You state, that letters from Dublin to Birmingham are forwarded by the packet which leaves Kingstown at half-past five o'clock; are letters from Dublin to Birmingham forwarded also by the packet which leaves Kingstown at half past 10 o'clock?—Yes; I believe they are.

George Stow, Esq.

9 June 1841.

98. Would it not be a great convenience if a train were to start from Liverpool on the arrival of that mail?—Yes.

99. There is one that starts in time from the Kingstown mail-packet, provided the distance from Kingstown to the station-house be performed in 12 hours?—Yes.

100. Mr. *Shaw*.] Can you say on the whole how many packets ply between Dublin and Liverpool and Holyhead for the purpose of carrying letters?—There are two daily between Liverpool and Kingstown, and one daily between Holyhead and Kingstown.

101. Both ways?—Yes.

102. Mr. *W. O. Stanley*.] At present the mail which leaves London at a quarter past nine o'clock in the morning is transmitted through Chester, Bangor, and Caernarvon?—No; it is sent through Liverpool.

103. Are you aware that communications have been frequently made to the Post-office by Sir Henry Parnell and others, to change the hour of sailing of the Holyhead packet from the evening to the day?—I am not aware; it is most probable that a communication of that kind would not be referred to me.

104. What difficulty would there be in transmitting the letters by Chester, Bangor, and Holyhead, instead of transmitting them by Shrewsbury?—I am not aware that there would be any difficulty, but it would be necessary to keep up our present Birmingham and Shrewsbury line of road; the mail must run through to Shrewsbury.

105. Are there any great quantities of Irish letters passing between Birmingham, Shrewsbury, and Holyhead to Dublin?—I should think so; I am not prepared to state the number, for I am not in the habit of seeing the correspondence, but I know that the surveyor of the district attaches great importance to that correspondence.

106. Can you obtain the number of letters?—I could procure a return certainly, for the Committee.

107. What inconvenience would there be in sending that mail on to Holyhead instead of letting it stop at Bangor and Caernarvon; by doing so you would be able to let that packet sail at two o'clock in the day instead of sailing at half-past six at night?—This could be done, but the Shrewsbury Line would be cut off from Ireland.

108. Mr. *Shaw*.] Then the morning letters from London are transmitted to Dublin by Liverpool, and the morning letters from Dublin are transmitted to London by Holyhead?—Precisely so.

109. *Chairman*.] Are you aware of any inconvenience which would result to the Post-office by the letters which arrive by the packet at Liverpool at half-past 10 being immediately forwarded to London?—I do not see that any advantage would arise from it, for they would not get to the Post-office till after the Post-office was closed, and they would be equally well sorted in the morning when the whole force of the office was upon the letters.

110. Mr. *Corry*.] Great advantage would arise to all the intermediate places; they would arrive at Birmingham sooner, would they not?—They would. Manchester and all parts of Lancashire now get their letters immediately.

111. *Chairman*.] Would it not be in the power of passengers to get to London in the day, which now they cannot?—Certainly it would.

112. Mr. *Shaw*.] Can you state of what advantage, as regards the Post-office, the packet leaving Kingstown at half-past five in the evening is?—The object is to get the correspondence into Lancashire and Yorkshire.

113. For that purpose, at what hour must the letters be put into the Dublin Post-office?—I should suppose an hour before, but I do not know exactly.

114. Are you aware that the packet which leaves Kingstown at half-past five is used principally for the conveyance of passengers, and that the packet leaving at half-past 10 is used principally for letters?—Yes, that is the fact.

115. *Chairman*.] Does that circumstance arise from passengers not being able to proceed to London in ordinary cases, if they arrive at Liverpool by the packet which leaves Dublin at half-past 10?—I should think that would have some influence with the passengers.

116. The packet that leaves at half-past 10 is the Government packet?—Yes the other is the contract packet.

117. Are

117. Are you not aware that considerable expense might be saved if more passengers went by that vessel?—I imagine such would be the case. *George Stow, Esq.*

118. The effect now is, that the passengers go by the contract boat, and the letters by the Government boat?—Yes. *9 June 1841.*

119. Mr. *Shaw.*] Can you state what the difference is in the time of the transmission of letters by water and by land by means of steam power?—I believe we average that we travel by railway 20 miles an hour, and by steam 10 miles an hour; I know that by the Commissioners on the West India Mails, before whom I was examined; the mail coaches were taken at 10, the steam-boats at 9, and the railroads at 20 miles an hour.

120. Then, for the purpose of speed, it is obvious that the greater the land-carriage, as compared with the voyage, the better?—Undoubtedly.

## APPENDIX.

Post-Office  
Establishment at  
Milford Haven.

A RETURN of the ANNUAL COST (founded upon the actual Expense of the Financial Year ended 31st March last) of the POST-OFFICE ESTABLISHMENT at *Milford Haven*, including the Expenses of the Packets, and the Salaries of all Persons employed Afloat or on Shore. (Prepared pursuant to a Precept of the Honourable The House of Commons, dated the 3d May 1841.)

NATURE OF THE EXPENSE.	AMOUNT.
Expenses incurred in the repair of the Vessels (5) viz.:	£. s. d.
Of the Hulls - - - - -	2,086 - -
Masts and Yards - - - - -	10 - -
For Rigging and Stores - - - - -	519 - -
Coals - - - - -	6,491 - -
Machinery - - - - -	2,707 - -
£.	11,763 - -
Pay and Allowances of the Persons employed :	
Afloat or on Shore - - - - -	8,139 7 4
Miscellaneous Payments - - - - -	202 14 7
Expense for the Year ended 31st March 1841 - - - £.	20,105 1 11
Deduct Amount received for Passage-money, Freight, &c. - - -	1,164 18 6
Net Expense incurred during the Year ended 31st March 1841 - £.	18,940 3 5

Admiralty, }  
12 May 1841. }

J. T. Briggs,  
Acc<sup>t</sup> Gen<sup>l</sup> of the Navy.

STATEMENT, in detail, of the ANNUAL COST of the POST-OFFICE ESTABLISHMENT at *Milford Haven* and at *Hobbs' Point*.

MILFORD HAVEN :	£. s. d.
Salary to Postmaster - - - - -	60 - -
Compensation for loss of Money-Orders - - - - -	1 - -
Letter-carriers - - - - -	10 8 -
TOTAL per Annum - - - £.	71 8 -
HOBBS' POINT :	£. s. d.
Salary to Postmaster - - - - -	60 - -
Letter-carrier - - - - -	36 10 -
TOTAL per Annum - - - £.	96 10 -

The annual number of letters passing to and from Milford and Waterford, distinguishing each year since the Mails have gone from Hobbs' Point, stating the annual revenue (up to 10th January 1840)

1840) cannot be ascertained; but the total annual amount of the additional half-penny rate per Act 6 Wm. IV. c. 25, on these letters, is as follows, viz.

Post-Office  
Establishment at  
Milford Haven.

	£.	s.	d.
One quarter in the year ended 5th January 1837 - - - - -	108	17	7
Ditto — ditto 1838 - - - - -	435	4	10
Ditto — ditto 1839 - - - - -	430	11	11
Ditto — 5th December 1839 - - - - -	447	-	10

which, supposing each letter to be single, gives the annual average number of 199,740 letters, or 416*l.* 2*s.* 6*d.* the produce of the one half-penny rate; the average rates of postage on these letters cannot be ascertained, and the annual revenue cannot therefore be stated.

General Post-office,  
22 May 1841. }

C. T. Court,  
Acc<sup>t</sup> Gen<sup>l</sup>.

ESTIMATED ANNUAL NUMBER of LETTERS passing to and from *Milford* and *Waterford*, stating the estimated Annual Revenue afforded thereby since the Establishment of the Penny Post. Letters passing to and from *Milford* and *Waterford*.

	NUMBER.	REVENUE.
		£. s. d.
Estimated number, and amount of Postage, for a year, framed upon the numbers taken for a week ending 8th March 1840. }	291,148	1,797 13 8
Estimated number, and amount of Postage, for a year, framed upon the numbers taken for a week ending 14th November 1840. }	311,012	1,775 7 4

The Report of Captain Chappell to the Postmaster-general in 1829, on the subject of a Station for Her Majesty's Packets, cannot be found in the Post-office Department, nor is there any copy of it.

General Post-office,  
25 May 1841. }

W. L. Maberly,  
Secretary.

A RETURN of the Number of PASSENGERS conveyed in Her Majesty's Mail Steam Packets, between *Milford* and *Waterford*, since the Mails have gone from *Hobbs' Point*. (Prepared pursuant to a Precept of the Honourable The House of Commons, dated the 3d May 1841.) Passengers by Steam Packets between *Milford* and *Waterford*.

PERIOD.	Number of Passengers.
6th April 1837, to 31st December 1837 - - - - -	1,590
1st January to 31st December 1838 - - - - -	1,906
ditto 1839 - - - - -	2,188
ditto 1840 - - - - -	1,805
1st January to 31st March 1841 - - - - -	272

Admiralty, 12 May 1841.

J. T. Briggs,  
Acc<sup>t</sup> Gen<sup>l</sup> of the Navy.



**REPORT**  
**FROM THE**  
**SELECT COMMITTEE**  
**ON**  
**POST-OFFICE COMMUNICATION**  
**WITH IRELAND ;**  
**TOGETHER WITH THE**  
**MINUTES OF EVIDENCE,**  
**AND**  
**APPENDIX.**

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*Ordered, by The House of Commons, to be Printed,*  
*11 June 1841.*

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399.

*Under 2 oz.*

# R E P O R T

FROM THE

**SELECT COMMITTEE ON PRINTING.**

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*Ordered, by The House of Commons, to be Printed,  
26 March 1841.*

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*Mercurii, 27<sup>o</sup> die Januarii, 1841.*

*Ordered, THAT* a Select Committee be appointed to assist Mr. **SPEAKER** in all Matters which relate to the **PRINTING** executed by Order of this House, and for the purpose of Selecting and Arranging for Printing **RETURNS** and **PAPERS** presented in pursuance of Motions made by Members of this House, which may be referred to the said Committee.

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*Martis, 2<sup>o</sup> die Februarii, 1841.*

Committee nominated of—

Mr. Labouchere.

Mr. Hume.

Sir Robert Harry Inglis.

Sir Thomas Fremantle.

Lord Viscount Lowther.

Mr. Vernon Smith.

Mr. Strutt.

Lord Viscount Mahon.

Mr. Tufnell.

*Ordered, THAT* Three be the Quorum of the Committee.

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*Veneris, 26<sup>o</sup> die Martii, 1841.*

*Ordered, THAT* the Committee have power to report Observations and Opinions from time to time to The House.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to assist MR. SPEAKER in all Matters which relate to the PRINTING executed by Order of this House, and for the purpose of Selecting and Arranging for Printing RETURNS and PAPERS presented in pursuance of Motions made by Members of this House, which may be referred to the said Committee:—HAVE considered the several Matters referred to them, and have agreed to the following REPORT :

**Y**OUR Committee, in the discharge of the duties imposed upon them; have had occasion to observe defects in the present mode of obtaining Returns, to which defects they think it right to call the attention of The House.

Your Committee are appointed “to assist Mr. Speaker in all Matters which relate to the Printing executed by Order of this House, and for the purpose of Selecting and Arranging for printing Returns and Papers *presented* in pursuance of Motions made by Members of this House, which may be referred to the said Committee,” but their powers are not called into operation until after the Returns have been presented; when, if a Return be imperfect, no omissions can be supplied without a renewed Order of The House.

Your Committee are, therefore, of opinion that further means should be taken, first, to improve the Forms of Motions for Returns, and, secondly, to ensure compliance with the Orders made thereon.

Committees have noticed, from time to time, the necessity of preliminary steps being taken by Members moving for Returns, and have urged them upon the attention of The House.

In 1830 the Library Committee suggested, “that it be recommended to all Members intending to move for Returns, in the first place to find out from the Librarian whether the same Return, either in form or substance, has not already been moved for and printed: in which case such order may be so shaped by the Members as only to embrace any new matter which may be requisite for the information of The House.”

The Printed Papers Committee of 1835 stated that, in 1812, an officer was appointed at the Treasury to attend to all Orders for Returns for the House of Commons, and much advantage was expected if Members calling for Papers would previously consult that officer in what form the motion proposed could be made to save trouble and expense in preparing. Doubts were, however, at the same time expressed, how far any officer not belonging to The House and easy of access by the Members at all times, could advantageously answer the purpose.

The recommendation of former Committees, that the Librarian should be consulted by Members previously to moving for Returns, has been in some measure attended to, and proportionate benefit has been derived therefrom.—

#### 4 REPORT FROM SELECT COMMITTEE ON PRINTING.

Members are often in the habit of seeking information as to the existence of Returns, and as to the period over which they extend, with a view to order continuations of the same; and it is the opinion of Your Committee, that if this practice were generally adopted, much labour and expense would be spared, whilst the objects of Members, in moving for Returns, would be more effectually obtained.

But there is another important matter in which, previously to moving for Returns, the services of the department of the Library might be made available, viz. the preparation of the Order, in concert with the Member who is about to move for such Returns. A suggestion from an officer intimately acquainted with the forms and character of Parliamentary Accounts would often improve the Order, and increase the facility of obtaining proper Answers, both in substance and in form.

If the duty of advising Members in the preparation of Forms for Motions for Returns, devolved upon the Librarian, all the advantage that could be derived from his practice and experience would be secured.

Should this plan be adopted, the same agency might advantageously be employed after the Return is ordered, in suggesting Forms in which Answers to Orders of The House for Returns should best be made. Where Accounts are sought for from Government Departments, this arrangement may not be so necessary; but where Circulars are addressed to other parties, it is of great importance that the best form of subsequently arranging the Answers should be pre-concerted, in order that Blank Forms with the necessary columns properly headed, may be circulated to be filled up in a uniform manner; by this arrangement, the party to whom an Order may be directed will not be left to his own interpretation of it, but will find every part of it subdivided for him, and the column pointed out in which he is to insert his Answer; and when the Form is returned, it will be seen at a glance whether all the questions have been answered, according to the letter of the Order; if answered properly, the Returns will be ready for presenting in the same form as that in which they were received; if not, the party who has neglected to answer, or who has answered imperfectly, may be desired to comply with the Order of The House, before the Returns are laid upon the table.

Your Committee, therefore, suggest:—

- 1st. That every Member be recommended, before he gives Notice of a Motion for a Return, to consult the Librarian of The House of Commons.
- 2dly. That after the Order for a Return has been made by The House, the Librarian do prepare, when necessary, a Form, to be submitted to Mr. Speaker for his approval; and that such Form shall be forwarded, with the Order, in the usual manner.
- 3dly. That before any Return which has been presented to The House shall be ordered to be printed, it shall be inspected by the Librarian, and approved by Mr. Speaker.
- 4thly. That Mr. Speaker be requested to make such arrangements as may be necessary for giving effect to these Resolutions.

26 March 1841.

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## MEMBERS PRESENT.

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*Jovis, 4° die Martii, 1841.*

MR. SPEAKER IN THE CHAIR.

Mr. Strutt.  
Mr. Hume.  
Lord Viscount Mahon.

Sir Robert Harry Inglis.  
Sir T. Fremantle.  
Mr. Tufnell.

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*Veneris, 19° die Martii, 1841.*

MR. SPEAKER IN THE CHAIR.

Mr. Hume.  
Lord Viscount Mahon.  
Mr. Tufnell.

Mr. Strutt.  
Sir Robert Harry Inglis.

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*Veneris, 26° die Martii, 1841.*

MR. SPEAKER IN THE CHAIR.

Mr. Strutt.  
Mr. Hume.  
Mr. Tufnell.

Sir Robert Harry Inglis.  
Sir Thomas Fremantle.

# R E P O R T

FROM THE

SELECT COMMITTEE ON PRINTING.

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*Ordered, by The House of Commons, to be Printed,  
26 March 1841.*

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181.

*Under 1 oz.*

**F I R S T   R E P O R T**

FROM THE

**S E L E C T   C O M M I T T E E**

ON

**P R I V A T E   B U S I N E S S ;**

TOGETHER WITH THE

**M I N U T E S   O F   E V I D E N C E ,**

AND

**P R O C E E D I N G S   O F   T H E   C O M M I T T E E .**

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*Severn Navigation.*

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*Ordered, by The House of Commons, to be Printed,*  
*15 March 1841.*

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*Martis, 2<sup>o</sup> die Martii, 1841.*

*Ordered, THAT* a Select Committee be appointed to consider whether any and what Improvement can be adopted in the mode of conducting Private Business.

And a Committee was appointed of,

Sir George Grey.

Mr. Labouchere.

Sir Robert Peel.

Lord Stanley.

Mr. Hume.

Mr. Loch.

Lord Granville Somerset.

Mr. Aglionby.

Mr. Greene.

Mr. Bernal.

Sir John Yarde Buller.

Sir James Graham.

Mr. Freshfield.

Mr. Ellice.

Mr. Estcourt.

*Ordered, THAT* the Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

*Ordered, THAT* the Committee have power to report their Observations and Opinion from time to time to The House.

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*Lunæ, 15<sup>o</sup> die Martii, 1841.*

*Ordered, THAT* the Committee have power to report Minutes of Evidence taken before them.

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THE REPORT	- - - - -	p. 3
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. 4
MINUTES OF EVIDENCE	- - - - -	p. 5

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## R E P O R T.

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THE SELECT COMMITTEE appointed to consider whether any and what Improvement can be adopted in the Mode of conducting PRIVATE BUSINESS, and to whom the several Petitions in the case of the SEVERN NAVIGATION BILL were referred, and who were instructed to consider the Prayer of the said Petitions, and to report their Opinion thereupon to The House ;—HAVE agreed to the following RESOLUTION :

*Resolved,*

THAT Your Committee have not considered themselves at liberty to enter into the general question of how far an alteration of the existing Standing Orders of the House may be desirable in respect of Private Bills not strictly of a Local character, but affecting interests in a variety of Counties. It does not, however, appear to Your Committee, that if those Standing Orders are to be generally adhered to in such cases, the circumstances of the Severn Navigation Bill are so peculiar as to justify them in recommending that that Bill should be made an exception from the general course prescribed by the Standing Orders.

15 *March* 1841.

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# PROCEEDINGS OF THE COMMITTEE.

*Lunæ, 15<sup>o</sup> die Martii, 1841.*

Present,

The Right Hon. Sir GEORGE GREY, Bart. in the Chair.

Mr. Greene.  
Lord Granville Somerset.  
Mr. Freshfield.

Sir James Graham.  
Lord Stanley.

The Committee considered their Report.

Resolution proposed, That your Committee have not considered themselves at liberty to enter into the general question of how far an alteration of the existing Standing Orders of the House may be desirable in respect of Private Bills not strictly of a local character, but affecting interests in a variety of counties; your Committee, however, are of opinion, that if those Standing Orders are to be generally adhered to in such cases, the circumstances of the Severn Navigation Bill are not so peculiar as to justify your Committee in recommending that that Bill should be made an exception from the general course prescribed by the Standing Orders.

Amendment proposed (by Lord Granville Somerset,) to leave out all the words after the first word "That," in order to add "it is the opinion of this Committee that the objects of the Severn Navigation Bill are so peculiar and affect such extensive interests totally unrepresented on the List for the County of Worcester, that it is expedient to make a special exception from the general Standing Orders in regard to the formation of the Committee on this Bill."

Question put, That the words proposed to be left out stand part of the Resolution.

The Committee divided.

Ayes, 3.  
Sir James Graham.  
Lord Stanley.  
Mr. Freshfield.

No, 1.  
Lord Granville Somerset.

So it was resolved in the affirmative.

Original Resolution put, and agreed to.

Chairman to Report the same to the House.

[Adjourned.]

# MINUTES OF EVIDENCE.

*Lunæ, 15<sup>o</sup> die Martii, 1841.*

## MEMBERS PRESENT.

Mr. Freshfield.  
Sir James Graham.  
Mr. Greene.

Lord Granville Somerset.  
Lord Stanley.  
Sir George Grey.

SIR GEORGE GREY, BART. IN THE CHAIR.

*St. George Burke, Esq. called in ; and Examined.*

1. *Chairman.*] DO you represent the parties, upon this occasion, who have petitioned the House of Commons, and whose petitions have been referred to this Committee, praying that the Severn Navigation Bill may be referred to a Select Committee of the House, instead of its being referred in the usual course to one of the county lists?—I represent the Worcester and Birmingham Canal Company, who have made that petition.

*St. G. Burke, Esq.*

15 March 1841.

2. You do not represent the other parties?—I do not.

3. To what list do you apprehend that the Bill would be referred in the usual course?—To the Worcestershire List; it might be referred either to the Worcestershire or the Gloucestershire List, but the object is to send it to the Worcestershire List.

4. Does the objection stated to the petition apply equally to each of those lists?—I believe it would; they would prefer not having the list of either county.

5. Have you examined the Worcestershire List, so as to inform yourself of the Members of which it would be composed?—I have.

6. It consists of the following County Members: the Members for the two divisions of Worcester, East Gloucester, South Warwick, South Stafford, South Salop, Hereford; and the following Borough Members: the Members for Droitwich, Evesham, Dudley, Worcester City, Kidderminster and Bewdley. What are your reasons for supposing that a Committee composed of those Members, with the addition of the usual number of selected Members, would be an unfit Committee for this Bill to be referred to?—We think there is a preponderance of Worcestershire interest in that list. So far as my clients are concerned, the Birmingham and Worcester Canal, the principal part of the traffic of that canal passes through Gloucestershire along the River Severn, and after that it passes into Staffordshire and Warwickshire and other places deeply interested in the traffic upon that canal, and they contend that all the parties who are interested in the traffic upon that canal, residing where they may, are deeply interested in anything that may be done with the River Severn, and that therefore they ought to be represented upon the Committee equally with the county of Worcester.

7. You have been for some years in the habit of conducting Private Bills, as an agent?—I have.

8. And you know the general course of the House with reference to the formation of Committees on Private Bills?—I do.

9. Can you distinguish this case, so far as the objection taken by this petition goes, from the ordinary case of a Canal Bill or a Railway Bill running through various counties?—This is the first year in which the new system is going to be adopted. In former years, according to the ancient practice, as a matter of

*St. G. Burke, Esq.*

15 March 1841.

course, when a Railway or Canal Bill affected various counties, it would have been sent to a Committee composed of the lists of all those counties; and afterwards, when the system was adopted of reducing the Speaker's List, and having local Members added, if this had been referred to any particular County List, all persons having a local interest would have been able to be added; and I know an instance of several railways where parties interested in a very remote manner were represented upon those Committees; I do not know any stronger instance of that than the Greenwich Railway of last year, which was for making improvements for a mile and a half close to London, and yet the Brighton Members were put on the Committee. Now, under the present system, it would go to the list for one county only, and Members can only be added by special leave of the House.

10. Do you, representing these petitioners, take an objection only to the reference of this Bill, according to the usual course, to the Members upon the Speaker's List, for a particular county, or do you think the objection is equally applicable to other Bills relating to canals, rivers, and railways running through various counties?—I think it would apply to all similar cases, though perhaps there are few cases that could be so strong as this, because the River Severn is not a private undertaking, but one of a public nature, having been used as a free navigation from time immemorial, and leading by its feeders to a great number of counties, which can hardly be the case with any Railway or Canal Bill brought in for the first time.

11. You think it may be distinguished from any Railway or Canal Bill which has come under your own immediate cognizance?—I think it is by far the strongest case I have ever had to deal with.

12. The Committee understand that it is the apprehension of your clients that the Birmingham trade would be affected by the tolls likely to be imposed by this Bill upon the improved part of the Severn, and therefore they consider that they ought to be represented in the Committee, upon whom it would devolve to consider what those tolls ought to be?—Yes, the Birmingham interests, and the interests of all the districts through which the canal passes.

13. Lord *Granville Somerset*.] The works are proposed to begin at the lower part?—They are.

14. They are to begin in the county of Gloucester, and they are to go to the parish of Stourport, in the county of Worcester?—They are.

15. What is the whole distance by the river?—About 42 miles.

16. Does the Birmingham and Worcester Canal fall into the river between those points?—It does.

17. Therefore their traffic would be immediately influenced by the tolls proposed to be levied upon the improved part of the Severn?—It would.

18. Do you consider that there are not very extensive interests, far beyond any local interests that you can point out, which would be affected by this measure, either for good or evil?—The interests I have alluded to in respect of all those canals and other rivers which fall into the Severn as feeders, are, I think, all concerned in any improvement, or in any expense, that may be incurred in improving the navigation of the River Severn.

19. Is not the trade of the whole of the Bristol Channel more or less interested in the navigation of that part of the river?—No doubt; all that trade which goes upwards by the Severn, and its feeders, to be distributed over the country.

20. And of course *vice versâ* all that which comes down the Severn?—Yes.

21. Then you would consider the parties having manufactories and other interests in South Wales, Monmouthshire, and the Forest of Dean, on one side of the river, and parties in Cornwall, Devon, Somersetshire, and West Gloucester, on the other side of the river, as all interested in this measure?—More or less.

22. But still having a decided interest?—Having an interest.

23. You conceive that that forms a very peculiar state of circumstances, and one which as yet has not been brought before Parliament?—I think, as I said before, it is by far the strongest case I have ever known.

24. Is it not a case far beyond any case which could possibly arise out of the formation of a canal or a railroad?—It is, undoubtedly.

25. In

*St. G. Burke, Esq.*

15 March 1841.

25. In both those instances, the proposition is to affect private parties for the public good ; but here the proposition is to affect public interests for the public good as well as private interests ?—Yes.

26. Are you aware of any instance in which Parliament has interfered with a free river to the extent proposed in this case ?—Not by a Private Bill, I think. There was the Ribble Navigation and the River Dee Navigation, but neither of those was so important as this.

27. The Ribble Navigation has not the same sort of general influence as this ?—No, it is much inferior in importance to this.

28. Was not that more in the nature of a canal speculation than this ?—I believe so, but I was not the agent for the Bill, and therefore I cannot speak as to that.

29. What is the object of your clients in their petition ; how do they wish the Committee on the Bill to be formed ; upon the general principle of a Select Committee, excluding entirely local interests, or admitting a certain amount of local interests, and merging that in a larger number of independent Members ?—We should prefer to have it a completely Select Committee ; because if any local interests were admitted, it might raise a question what local interests should be admitted.

30. Do not you admit that the landowners are interested in this measure ?—No doubt ; I am concerned for some landowners who have petitioned against it, but not upon this point.

31. What is their feeling with reference to the description of Committee to which the Bill should be referred ?—One gentleman for whom I am concerned, Mr. Hyatt, would prefer infinitely, I have no doubt, that it should be sent to a Select Committee, but I have not communicated with him upon that particular point.

32. *Chairman.*] Do you concur in the statement contained in this petition, “That no Committee List for any county through which the said river passes would properly represent the interests of all parties interested therein” ?—I do.

33. And you ask for a Select Committee chosen from the body of the House, independently of local interests ?—Quite so.

*Mr. William Reynolds Austice, called in ; and Examined.*

34. *Chairman.*] DO you represent the petition from Madeley and other places ?—I do. *Mr. W. R. Austice.*

35. The prayer of that petition is precisely the same as that from the Worcester and Birmingham Canal Company ?—It is.

36. You have heard the questions addressed to Mr. Burke ?—I have.

37. Do you concur in the opinions he has expressed ?—I do, generally.

38. It is stated in this petition that the River Severn is a free navigable river from Gloucester to Welshpool, in Montgomeryshire ; it is navigable for the whole of that distance ?—Yes, and actually navigated for a considerable distance.

39. Can you state the amount of trade which comes from Madeley and the neighbouring places ?—I cannot state it precisely.

40. Is it extensive ?—Certainly, many thousand tons per annum.

41. *Lord Granville Somerset.*] Has any negotiation been going on between your clients and the proposed commissioners under the Bill, to relieve the Shropshire trade from toll ?—I can hardly say that any negotiation has been going on ; some clauses were introduced into the Bill, but without any previous consultation with us.

42. Those clauses relieve the Shropshire trade from tolls ?—They do, but there are certain conditions which are not satisfactory to us, and there is a prospective intention to propose toll upon us. The 16th clause provides, that in case this improvement be subsequently extended for two miles further up the river our trade is to be liable to toll, but an extension for two miles would benefit us as little as the proposed improvements would benefit us.

43. Your proposition is, that if the improvement stops at Stourport you are not to bear any of the expense of the improvement ?—We are not to pay tolls if we do not put in any fresh goods in going down.

Mr. W. R. Austice.

15 March 1841.

44. Then you would have the advantage of going 30 odd miles with an improved navigation without paying for it?—It would be no advantage; on the contrary, the obstruction of the locks would be a serious injury to us.

45. You would equally object to the Gloucestershire List as you would to the Worcestershire List?—We certainly feel that no list would represent all the interests affected without the addition of more Members than it would probably be convenient to add.

46. *Chairman.*] When you say that the navigation of the river would be rather impeded, so far as you are concerned, than improved by the alterations intended, are the Committee to understand that the petitioners for whom you appear object to the Bill altogether?—Yes.

47. Does not the petition speak of it as an object of great national importance, and express the anxiety of the petitioners that due consideration should be given to any measures which may be contemplated in reference to the improvement of the navigation?—We do not deny the expediency or the practicability of improving the Severn by certain means, but we dispute the applicability of these means to that object.

48. Although they may object to any additional toll, in what way can it injure the trade to have the navigation of the river improved?—To fully explain that would require me to go into some detail; but generally speaking, I may state in a few words that it is a great object to us to make our voyages with as little delay as possible, and the impediment of the locks would be a very serious injury to our trade.

49. Is your trade carried on by small vessels, for which purpose the river is at present sufficient?—Yes; vessels from 50 to 70 tons.

*George Pritt, Esq. called in; and Examined.*

G. Pritt, Esq.

50. *Chairman.*] DO you represent the Gloucester and Berkeley Canal Company, and the Corporation of Gloucester, in the petitions they have presented to the House?—I do.

51. Have you heard the questions which have been addressed to Mr. Burke?—I have.

52. Do you concur in the answers he has given to those questions?—I do.

53. In what respect do you distinguish the present case from the general class of cases which come under your cognizance as Agent for Private Bills, such as Bills for the construction of Railways or of Canals, or for the improvement of Railways and Canals?—From the vast amount of great public interests which will be affected by the proposed Bill if passed into an Act, and which I do not think would be the case with regard to any private speculation for making a railway or canal.

54. Then you do not think that the present course sanctioned by the House, with reference to Private Bills, is one which the promoters of any Railway Bill or Canal Bill would as a matter of course object to?—I do not think it is.

55. *Lord Stanley.*] Have not you expressed your opinion before the Committee on Private Business, that you thought it desirable to alter the constitution of Committees on Private Bills, so as to exclude local influence altogether?—I have.

56. Generally on all Private Bills?—On all opposed Private Bills.

57. *Chairman.*] Will you state the precise interest which the petitioners whom you represent have in the Severn Navigation Bill?—The Committee will observe that the Gloucester and Berkeley Canal commences at Gloucester, and runs downwards towards the mouth of the river; the river from the point where the Gloucester and Berkeley Canal commences, up to Gloucester, is almost impassable for vessels of any large burthen. The great bulk of the traffic of Gloucester passes along the Gloucester and Berkeley Canal; vessels, I believe to the extent of 300 or 400 tons' burthen, discharging their cargoes at Gloucester.

58. Is that included in the western division of the county of Gloucester?—I do not know.

59. Are you aware that the Members for East Gloucester are on the Speaker's List?—I am not aware of that, but I think the preponderance of  
Worcestershire

Worcestershire interest on the list is so great, that it would be comparatively unimportant.

60. In what way would the preponderance of the Worcestershire interest affect the interests of the Gloucester and Birmingham Canal?—Because the object is to tax the navigation for this improvement, which the Gloucester and Berkeley Canal Company think is not necessary, and which would be a heavy tax upon their trade. We think that these improvements would not be beneficial to the trade of Gloucester, that they would be done at greater expense than would be necessary, and that the tolls would be more than necessary to effect any necessary improvements in the navigation of the river.

61. If the navigation is improved, would not that tend to increase the trade of the Gloucester and Berkeley Canal?—The Gloucester and Berkeley Canal are not opposed to improvements upon the river, if conducted upon a proper plan.

62. What they are afraid of is, that their own special interests would not be fairly represented by the Worcester List?—We consider that the interests of Worcester are opposed to those of Gloucester, and therefore, that a preponderance of Worcester interest would be injurious to us.

63. In what respect is the Worcestershire interest opposed to the Gloucester and Berkeley Canal; would not vessels coming down the river come into the Gloucester and Berkeley Canal, in order to get to the mouth of the Severn?—They would, but the trade would be taxed for that purpose. At Gloucester the goods are shipped out of the Gloucester and Berkeley Canal into other vessels, and carried inland, and that trade would be taxed, and anything that taxed the trade would tend to injure it.

64. Lord *Stanley*.] How would the trade be taxed which was carried on the Gloucester and Berkeley Canal, and then carried inland?—A large portion of the trade which comes up to Worcester goes inland, and that would be taxed.

65. You were understood to say that the trade upon the Berkeley and Gloucester Canal, which stopping at Gloucester is carried inland, would be taxed by this Bill; is it not the fact that it would not be taxed by this Bill, unless it is carried on through Worcestershire?—Yes, but a large portion is carried through Worcestershire.

66. Lord *Granville Somerset*.] Are you not afraid that by this improvement of the Severn navigation between Gloucester and Worcester, a good deal of trade which now comes up by the Gloucester and Berkeley Canal would not come up by the Gloucester and Berkeley Canal, but would go to Worcester, without coming to your canal at all?—No, I am not aware that that is our objection.

67. You do not think that these improvements would tend very much to injure your traffic by diverting its course?—I believe that that is one of the fears which my clients have upon the subject. Will the Committee allow me to observe, that I have no local knowledge, and therefore I speak without that full information which my clients of course have; I only speak with reference to the practice of the House upon the subject.

68. Lord *Stanley*.] You were understood to state that the interests of the Gloucester and Berkeley Canal, and the interests of the county of Worcester, were opposite interests, inasmuch as the traffic upon this canal would be taxed by this Bill; now, the traffic upon this canal would not be taxed by this Bill, except in so far as it passes through Worcestershire?—No.

69-70. In what way is there any opposition between the interest of the Gloucester and Berkeley Canal and the Worcestershire interest? (Mr. *Burke*.) All the vessels which pass between the Lower Parting, which is the point mentioned in the Bill, and another point lying in Gloucester, pay a farthing per ton per mile.

71. *Chairman*.] Will you state where the improvement begins?—At the Lower Parting. The Lower Parting where the improvements are to commence is situated about two miles below the town of Gloucester, and the improvements proposed to be effected are from that point up to Stourport in Worcestershire. By looking at the map, the Committee will see that a great many locks are proposed to be made in Worcestershire; that is the part of the river that requires the greatest improvement, for the inclinations there are much steeper than where the river goes through Gloucestershire. The Gloucester people



*G. Pritt, Esq.*

15 March 1841.

contend that improvements might be effected in Gloucester at a very small expense, and subjecting them to a very small tax; but by this Bill it is proposed to levy a tax of a farthing a ton per mile upon all goods conveyed through Gloucestershire, and that tax they contend is intended to be levied upon them for the purpose of meeting expenses to be incurred in Worcestershire, in the benefits of which they would not participate.

72. *Lord Stanley.*] Is it proposed that the tax should be charged so much per mile along the whole course of the navigation, without any reference to the works undertaken at the particular point at which the tax is payable?—The taxes are different in the Bill at one part and at another; but still the Gloucestershire people contend that they do not vary sufficiently, and therefore that they are deeply interested in the question.

73. *Sir James Graham.*] Can you point out any evil arising from adherence to the Speaker's List in this case, which is not common to adherence to the Speaker's List in any long line of communication, whether by water or otherwise, passing through a number of counties?—That question I have already answered by stating the fact, that this river is differently situated from any private speculation, such as a canal or railway, inasmuch as it has been from time immemorial a free navigation to the public, and has been used as a means of supplying very extensive districts, inasmuch as there are various feeders which fall into it in a variety of places, which would not be the case with any private undertaking; and another answer to that question is furnished by an important observation which was made to the effect, that a Canal Bill or a Railway Bill is a Bill to enable certain private individuals to do certain private works for their own private benefit, as well as for the public benefit; but this is a Bill to interfere with existing public works; it is not to make private works for public ends, but it is to interfere with a public work which has answered its ends for ages past, and in a manner which will affect interests that are spread over the whole country.

74. Can you show why a tribunal which in all other cases of extended communication is considered by the House a fair one, should not in this case be considered a fair one to consider the merits of the case?—I think that I might show that by reference to the position of the canals here situated; for instance, here is the Staffordshire and Worcester Canal, which falls into this river at a point just at the extreme verge of the part of the river where these large improvements are intended to be made. The whole trade, therefore, coming by the Staffordshire and Worcester Canal, will participate in the benefit of the improvements to be made through Worcestershire, where the large outlay is to be incurred; whereas if the Committee look at the map they will see that the parties for whom I appear, namely, the Worcester and Birmingham Canal, enter the River Severn at a point far below where the Staffordshire and Worcester Canal falls into the river, and consequently they would not participate in those advantages.

75. *Lord Stanley.*] Your clients would participate in the advantages for the half distance which they travel, and would be subject to a proportionate toll?—We contend that the tolls are not proportionate. There are some parties that must travel all through Worcestershire.

76. *Sir James Graham.*] Why do you look at the tribunal which, according to the established rules of the House, would decide this question, with jealousy?—Simply because we believe that parties who use this navigation through Worcestershire have a predominant interest in the Committee List for Worcestershire.

77. *Chairman, to Mr. Pritt.*] If the improvements contemplated in this river through Worcestershire tend to produce a general increase in the trade upon the river, will there not be an increase in the trade upon the Gloucester and Berkeley Canal, which forms one of the outlets of the river at the lower part?—Assuming that the effect of the improvement in the navigation would be to produce an increase in the trade, that might be the case; but we apprehend that the tolls proposed are so heavy that they would rather tend to a contrary result.

78. Is not there as strong an interest in Worcestershire as there can be in Gloucestershire to attract as much trade as possible to the river?—Probably there may be.

79. Then

79. Then that is rather a general objection to the Bill; which would belong to one county as much as to another?—Yes.

80. You appear also as representing the corporation of Gloucester. Have they any interest as distinct from the Gloucester and Berkeley Canal, or is it the same?—Their interest is that of the general welfare of the city of Gloucester, of which they are the corporation. They look with a very jealous eye upon anything which might tend to interfere with the interests of the city.

81. Would the interests of the city of Gloucester be affected by this Bill in any other way than that in which you apprehend that the interests of the Gloucester and Berkeley Canal would be affected?—The city of Gloucester would principally be affected in consequence of the mode in which the Gloucester and Berkeley Canal might be affected.

82. Therefore the objection which they would entertain to referring this Bill to the Worcestershire List would be the same as that which you have made on behalf of the Gloucester and Berkeley Canal?—It would be very much the same objection.—(Mr. *Burke*.) May I be allowed to state, with reference to parties who are not Petitioners here, I have presented a petition from the Coombe Hill Canal against this Bill, and the Coombe Hill Canal falls into the Severn near Gloucester; the whole trade of that Canal would also be taxed by this Bill, and at a point of the river where no improvement is needed.

83-4. Lord *Stanley*.] What is the extent of tax which would be imposed upon the Coombe Hill Canal Company?—There are about six miles from the Lower Parting to Coombe Hill, and that, at the rate of  $\frac{1}{4}$  *d.* a ton per mile, would be  $1\frac{1}{4}$  *d.*; but inasmuch as the river is at that point not obstructed at all, (at least so I understand from the engineer,) that would be a tax for every ton of goods for benefits in which they did not participate, the whole improvements being higher up.

85. Is the Coombe Hill Canal situated in East Gloucestershire?—It is.

Mr. *Thomas Waters*, called in; and Examined.

86. *Chairman*.] HAVE you presented a petition to the House, praying that the usual course of referring Bills to the County List may not be departed from in the instance of the Severn Navigation Bill?—I have.

87. Are you one of the solicitors for the Bill?—I am.

88. Where do you reside?—At Worcester.

89. The Committee understand, that you, on the part of the promoters of the Bill, object to the prayer of the petition which is presented to the House, praying that the Bill may be referred to a Select Committee of the House?—I thought it right to present that petition: at the same time, the individuals supporting the measure leave the matter entirely in the hands of the House, with perfect confidence in the course they may take, quite satisfied with the merits of their case going before either the ordinary Committee or a Committee that may be appointed in any other way.

90. It is alleged in that petition, that the Shropshire traffic is exempted by a clause in the Bill from any toll. Upon what ground is that exemption made?—The measure has now been on foot for some years, and under previous circumstances, it was matter of arrangement that that exemption should be given, and therefore to keep the terms that had been then settled, the present promoters inserted it.

91. Lord *Granville Somerset*.] You admit that there are many other counties just as much interested as Shropshire in this navigation?—There are other counties interested.

92. Is there any public ground or public principle upon which you can justify giving that advantage to Shropshire over other counties?—There is a reason applying to the Shropshire trade, that applies to no other, inasmuch as a great portion of that trade is carried on on sudden rises of the water, and the vessels come down then which could not trade at other times, and whenever that state of water exists, it is an argument that our improvements would not affect them.

93. Mr. *Freshfield*.] Would it not enable them to come down at all times, whereas now they cannot do so?—It would when once they get into our improvements, and it enables them at all times to go back for 40 miles, which they cannot at present.

Mr. Thomas Waters.

15 March 1841.

94. Lord *Granville Somerset*.] Is not the trade of West Gloucestershire, from the Forest of Dean, a very important part of the trade which would go through your proposed improvements?—It is a very important portion of the trade of the Severn.

95. Is there not a considerable portion of trade from the county of Monmouth which comes down the Severn?—Yes.

96. And also from the county of Glamorgan?—Yes.

97. Has Bridgewater much trade along the Severn?—There is considerable trade through the Severn to Bridgewater.

98. And to Bristol?—And to Bristol.

99. And still further to the west to Carmarthen?—Yes, that whole district is interested in it.

100. Would any portion of that district be represented according to the Worcester List?—If I recollect rightly, there is no one of those counties but Gloucester having any Members on that List.

101. The whole of that trade would be left without representation in the Committee, according to the Worcester List?—Certainly not.

102. What persons would represent the interests of any of those counties according to the Worcester List?—The parties carrying the trade for that district reside almost entirely within those counties having Members upon the Worcester List.

103. Will you mention any of them?—I refer to the traders of Gloucester, the traders of Worcester and the traders of Stourport.

104. The question refers to the counties mentioned in the former questions?—Their trade is carried on almost entirely by parties resident at Gloucester, Worcester and Stourport, the actual owners of the vessels carrying the traffic.

105. Was there not a great expression of desire, on the part of the persons whom you represent here, when this measure was brought forward last autumn, that the trade of Newport should support your Bill?—I am unable to speak to that, for I was not connected with it at that time.

106. Was not it represented in every speech upon that occasion, that the county of Monmouth had great interest in this proposition?—The county of Monmouth has undoubtedly great interest in it.

107. Then how do you reconcile that with your answer, that the parties having an interest in the measure reside within the counties having Members upon the Worcester List?—I said “principally reside;” I referred to the individuals that carry on the trade in the county of Monmouth, up the Severn.

108. But the freighters do not reside there?—Certainly not.

109. The freighters reside in the districts which have been alluded to in the previous questions, which upon the Worcester List would not be represented?—Many of them, certainly.

110. You say, on the part of the promoters of the measure, that you are perfectly indifferent upon this subject; and that, provided the Committee be an impartial one, you are not afraid of presenting this measure before it?—We are not afraid of any Committee to which it may be referred; but I have thought it right in principle, as the solicitor for a numerous body whom I could not consult, to object to any deviation from the usual course.

111. Some of the parties who have presented themselves here to-day have a fear that this improvement will take away some of their trade as rivals?—I believe that is the whole objection to the measure, partly jealousy. With regard to the county of Monmouth, to show the interest which they take in it, I may state that this measure is brought forward partly at the expense of the Monmouthshire Canal.

112. *Chairman*.] How can the proposed improvements in the River Severn take away trade from any of the interests represented by these Petitions?—By facilitating traffic, it may cause the traffic not to remain at those places where the obstructions now confine it.

113. *Sir James Graham*.] A portion of the traffic which is now stopped at Gloucester may come up to Worcester if they get deeper water?—It may; and the trade of Worcester, and of the whole district, may be considerably increased.



FIRST REPORT  
FROM THE  
SELECT COMMITTEE  
ON  
PRIVATE BUSINESS.

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*Severn Navigation.*

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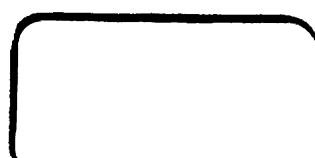












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